

No. 23-55805

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

VIRGINIA DUNCAN, ET AL.,
Plaintiffs and Appellees,

V.

ROB BONTA, IN HIS OFFICIAL CAPACITY AS
ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,
Defendant and Appellant.

**On Appeal from the United States District Court
for the Southern District of California**
No. 3:17-cv-01017-BEN-JLB
The Honorable Roger T. Benitez, Judge

**APPELLANT’S EXCERPTS OF RECORD
VOLUME 3 of 17**

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November 21, 2023

***Duncan v. Bonta*, No. 3:17-cv-01017-BEN-JLB**
Plaintiffs’ Disagreements re Defendant’s Survey of Relevant Statutes (Pre-Founding – 1930s)^{1, 2}

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs’ Position
Defendant’s Survey of Statutes (Pre-Founding – 1889)					
1	1383	England	7 Rich. 2, ch. 13 (1383)	Prohibited possession of launcegays. Punished by forfeiture of the weapon.	<u>Objection to inclusion.</u> “Historical evidence that long predates [the founding] may not illuminate the scope of the right if linguistic or legal conventions changed in the intervening years.” <i>Bruen</i> , 142 S.Ct. at 2136. And English history is ambiguous at best, and the Court saw “little reason to think that the Framers would have thought it applicable in the New World.” <i>Id.</i> at 2139. As this chart shows, bans on simply possessing weapons did not continue into the 18th and 19th centuries. Finally, the State has not provided the current status of this law indicating whether the law was ever repealed or reviewed by a court. ³

¹ In compliance with the Court’s Order dated December 15, 2022 (Dkt. 134), Defendant created this survey of statutes, laws, and regulations that Defendant has determined are relevant to this action. Plaintiffs disagree that nearly all of those statutes, laws, and regulations are relevant to the historical analysis required in this case, and in compliance with the Court’s December 15 Order, the chart reflects Plaintiffs’ position regarding the relevance of each law.

² The surveys have been filed in compliance with the Court’s Order directing the parties to identify all relevant laws, statutes, and regulations from the time of the Second Amendment to twenty years after adoption of the Fourteenth Amendment. In compliance with that Order and in recognition of the historical inquiry mandated by *Bruen*, the spreadsheets identify hundreds of relevant firearms laws, some of which were drafted well before the Thirteenth Amendment’s abolition of slavery and the Fourteenth Amendment’s Equal Protection Clause. While our subsequent briefing, as ordered by the Court, will explain in more detail the historical context and relevance of such laws, the Attorney General emphasizes his strong disagreement with racial and other improper discrimination that existed in some such laws, and which stand in stark contrast to California’s commonsense firearm laws, which are designed to justly and equitably protect all Californians. The listing of such racist and discriminatory statutes should in no way be construed as an endorsement of such laws by the Attorney General or his counsel in this matter.

³ Plaintiffs will not repeat this for each entry in the chart in which the State did not provide the current status of the law, because it applies to the vast majority of the entries in this survey. It is likely that many of the laws the State cites here have been repealed or replaced or are otherwise no longer enforced.

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Defendant's Survey of Relevant Statutes (Pre-Founding – 1888)**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
2	1396	England	20 Rich. 2, ch. 1 (1396)	Prohibited possession of launcegays. Punished by forfeiture of the weapon.	<p><u>Objection to inclusion.</u></p> <p>“Historical evidence that long predates [the founding] may not illuminate the scope of the right if linguistic or legal conventions changed in the intervening years.” <i>Bruen</i>, 142 S.Ct. at 2136.</p> <p>And English history is ambiguous at best, and the Court saw “little reason to think that the Framers would have thought it applicable in the New World.” <i>Id.</i> at 2139.</p> <p>As this chart shows, bans on simply possessing weapons did not continue into the 18th and 19th centuries.</p>
3	1541	England	33 Hen. 8, ch. 6 §§ 1, 18 (1541)	Prohibited possession of any crossbow, handgun, hagbutt, or demy hake. Exempted subjects living within 12 miles of the Scottish border. Punishable by forfeiture or payment of 10 pounds.	<p><u>Objection to inclusion.</u></p> <p>“Historical evidence that long predates [the founding] may not illuminate the scope of the right if linguistic or legal conventions changed in the intervening years.” <i>Bruen</i>, 142 S.Ct. at 2136.</p> <p>And English history is ambiguous at best, and the Court saw “little reason to think that the Framers would have thought it applicable in the New World.” <i>Id.</i> at 2139.</p> <p>As this chart shows, bans on simply possessing weapons did not continue into the 18th and 19th centuries.</p>
4	1606	England	4 Jac. I, ch. 1 (1606)	Repealed exemption for subjects living with 12 miles of the Scottish border for the keeping of crossbows, handguns, and demy hakes.	<p><u>Objection to inclusion.</u></p> <p>“Historical evidence that long predates [the founding] may not illuminate the scope of the right if linguistic or legal conventions changed in the intervening years.” <i>Bruen</i>,</p>

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					142 S.Ct. at 2136. And English history is ambiguous at best, and the Court saw “little reason to think that the Framers would have thought it applicable in the New World.” <i>Id.</i> at 2139. As this chart shows, bans on simply possessing weapons did not continue into the 18th and 19th centuries in America.
5	1664	New York	The Colonial Laws of New York from the Year 1664 to the Revolution . . . , at 687 (1894)	Prohibited a slave from possessing or using a gun, pistol, sword, club, or other kind of weapon unless in the presence and at the direction of their Master or Mistress.	<u>Objection to inclusion.</u> The 14th Amendment renders explicitly racist laws and slave codes irrelevant to the analysis. <i>Bruen does not even consider</i> the many explicitly racist laws of the 18th and 19th centuries. The law predates the Founding by far too long to be afforded much weight. <i>Bruen</i> , 142 S.Ct. at 2136 (citing <i>Heller</i> , 554 U.S. at 634). The law is not “relevantly similar” to CA’s magazine ban because it restricted <i>who</i> may use and possess arms, not <i>what</i> arms they may possess. <i>Id.</i> at 2133. Further, if a restriction that applied only to disfavored groups was a sufficient historical tradition, then neither <i>Heller</i> nor <i>Bruen</i> would have ruled in favor of the individual right to keep and bear arms.
6	1686	New Jersey	The Grants, Concessions, and Original Constitutions of The Province of New Jersey 289-90 (1881) (1686)	Prohibited the carrying “privately” of any pocket pistol, skeines, stilettoes, daggers or dirks, or other unusual or unlawful weapons. Punishable	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and,

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				by fine of 5 pounds for first conviction, and punishable by imprisonment for 6 months and a fine of 10 pounds.	even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
7	1689	England	English Bill of Rights of 1689, 1 Wm. & Mary ch. 2, § 7	Provided a right for Protestants to have “Arms for their Defense . . . as allowed by law.”	<u>No objection to inclusion.</u> Though it is an English law that predates the founding by nearly 100 years, it evidences a general right to arms for self-defense that carried into the New World. <i>See Bruen</i> , 142 S.Ct. at 2136. To the extent, however, the law limited its scope to “Protestant” subjects, it includes a restriction on the rights of disfavored populations (e.g., Catholics) that would not survive in America past the ratification of the 14 th Amendment. Further, such a restriction is not “relevantly similar” to CA’s magazine ban because it restricts <i>who</i> (i.e., only disfavored groups) may use and possess arms, not <i>what</i> arms anyone may possess. <i>Id.</i> at 2133. Further, if a restriction that applied only to disfavored groups was a sufficient historical tradition, then neither <i>Heller</i> nor <i>Bruen</i> would have ruled in favor of the individual right to keep and bear arms.

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Defendant's Survey of Relevant Statutes (Pre-Founding – 1888)**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
8	1750	Massachusetts	1750 Mass. Acts 544, An Act for Preventing and Suppressing of Riots, Routs and Unlawful Assemblies, ch. 17, § 1	Prohibited the carrying of a club or other weapon while unlawfully, riotously, or tumultuously assembling. Punishable by seizing the weapon and a hearing before the court.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, only applies when one is engaged in unlawful, riotous, or tumultuous assembly. <i>Bruen</i> , 142 S.Ct. at 2133.
9	1769	England	1 Blackstone ch. 1 (1769)	Recognized the “fifth and last auxiliary right,” which provided that Protestant subjects had the right to “arms for their defence” “such as are allowed by law.”	<u>No objection to inclusion.</u> Though it is an English law that predates the founding by nearly 100 years, it evidences a general right to arms for self-defense that carried into the New World. <i>See Bruen</i> , 142 S.Ct. at 2136. To the extent, however, the law limited its scope to “Protestant” subjects, it includes a restriction on the rights of disfavored populations (e.g., Catholics) that would not survive in America past the ratification of the 14 th Amendment. Further, such a restriction is not “relevantly similar” to CA’s magazine ban because it restricts <i>who</i> (i.e., only disfavored groups) may use and possess arms, not <i>what</i> arms anyone may possess. <i>Id.</i> at 2133. Further, if a restriction that applied only to disfavored groups was a sufficient historical tradition, then neither <i>Heller</i> nor <i>Bruen</i> would have ruled in favor of the individual right to keep and bear arms.
10	1771	New Jersey	1763-1775 N.J. Laws 346, An Act for the	Prohibited the setting of any trap gun intended to discharge by any	<u>Objection to inclusion.</u>

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
			Preservation of Deer and Other Game, and to Prevent Trespassing with Guns, ch. 539, § 10	string, rope, or other contrivance. Punishable by forfeiture of the firearm and fine of 6 pounds.	The law is not “relevantly similar” to CA’s magazine ban. It does not regulate the possession of any arm. It regulates only how arms are used (i.e., the setting of “trap guns”). And it regulates for completely different reasons than CA’s magazine ban (i.e., to prevent unintended discharges). <i>Bruen</i> , 142 S.Ct. at 2133.
11	1783	Massachusetts – City of Boston	1783 Mass. Acts 37, § 2	Prohibited the possession of any “fire arms,” and among other devices, loaded with any gun powder. Punishable by forfeiture and sale at public auction.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It regulates possession entirely differently (by applying only to loaded firearms, not mere possession of common arms), and it does so for completely different reasons (i.e., prevention of fires and explosions) than CA’s magazine ban. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, even if it were relevant, this law is an outlier insufficient to establish an American tradition of such regulation. <i>Id.</i></p>
12	1784	New York – City of New York City	1784 Laws of N.Y. 627, ch. 28	Prohibited any person to keep any quantity of gun powder exceeding 28 pounds and required storage in separate containers. Punishable by forfeiture and fine.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It regulates possession entirely differently (by only applying only to very large quantities of gunpowder, not to mere possession of common arms), and it does so for completely different reasons (i.e., prevention of fires and explosions) than</p>

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					CA's magazine ban. <i>Bruen</i> , 142 S.Ct. at 2133.
13	1786	Massachusetts	An Act to Prevent Routs, Riots, and Tumultuous assemblies, and the Evil Consequences Thereof, reprinted in Cumberland Gazette (Portland, MA), Nov. 17, 1786, at 1	Prohibited being armed with a club or other weapon while rioting.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, only while participating in illegal activity (i.e., rioting). <i>Bruen</i> , 142 S.Ct. at 2133.
14	1788	Ohio [Territory]	1788-1801 Ohio Laws 20, A Law Respecting Crimes and Punishments . . . , ch. 6	Prohibited the carrying of any “dangerous weapon” that indicates a violent intention while committing a burglary. Punishable by imprisonment for up to 40 years.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, only while participating in or intending to engage in illegal activity (i.e., burglary w/ intent to commit violence). <i>Bruen</i> , 142 S.Ct. at 2133.
15	1792	Virginia	Collection of All Such Acts of the General Assembly of Virginia, of a Public and Permanent Nature, as Are Now in Force . . . , at 187 (1803), §§ 8-9	Prohibited any “negro or mulatto” from possessing or carrying a gun, powder, shot, club, or other weapon.	<u>Objection to inclusion.</u> The 14th Amendment renders explicitly racist laws and slave codes irrelevant to the analysis. <i>Bruen does not even consider</i> the many explicitly racist laws of the 18th and 19th centuries. The law is not “relevantly similar” to CA’s magazine ban because it restricted <i>who</i> (i.e., only disfavored groups) may use and possess arms, not <i>what</i> arms anyone may possess. <i>Id.</i> at 2133.

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					Further, if a restriction that applied only to disfavored groups was a sufficient historical tradition, then neither <i>Heller</i> nor <i>Bruen</i> would have ruled in favor of the individual right to keep and bear arms.
16	1797	Delaware	Del. Laws 104, An Act for the Trial of Negroes, ch. 43, § 6	Prohibited “any Negro or Mulatto slave” from carrying guns, swords, pistols, fowling pieces, clubs, or other arms and weapons without the master’s special license.	<p><u>Objection to inclusion.</u></p> <p>The 14th Amendment renders explicitly racist laws and slave codes irrelevant to the analysis. <i>Bruen does not even consider</i> the many explicitly racist laws of the 18th and 19th centuries.</p> <p>The law is not “relevantly similar” to CA’s magazine ban because it restricted <i>who</i> (i.e., only disfavored groups) may use and possess arms, not <i>what</i> arms anyone may possess. <i>Id.</i> at 2133.</p> <p>Further, if a restriction that applied only to disfavored groups was a sufficient historical tradition, then neither <i>Heller</i> nor <i>Bruen</i> would have ruled in favor of the individual right to keep and bear arms.</p>
17	1798	Kentucky	1798 Ky. Acts 106	Prohibited “negro, mulatto, or Indian” from possessing or carrying a gun, powder, shot, club, or other weapon or ammunition.	<p><u>Objection to inclusion.</u></p> <p>The 14th Amendment renders explicitly racist laws and slave codes irrelevant to the analysis. <i>Bruen does not even consider</i> the many explicitly racist laws of the 18th and 19th centuries.</p> <p>The law is not “relevantly similar” to CA’s magazine ban because it restricted <i>who</i> may use and possess arms, not <i>what</i> arms they may possess. <i>Id.</i> at 2133.</p>

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					Further, if a restriction that applied only to disfavored groups was a sufficient historical tradition, then neither <i>Heller</i> nor <i>Bruen</i> would have ruled in favor of the individual right to keep and bear arms.
18	1799	Mississippi [Territory]	1799 Miss. Laws 113, A Law for The Regulation of Slaves	Prohibited any “Negro or mulatto” from carrying gun, powder, shot, club, or other weapon. Also prohibits a “negro or mulatto” from possessing a gun, weapon, or ammunition.	<p><u>Objection to inclusion.</u></p> <p>The 14th Amendment renders explicitly racist laws and slave codes irrelevant to the analysis. <i>Bruen does not even consider</i> the many explicitly racist laws of the 18th and 19th centuries.</p> <p>The law is not “relevantly similar” to CA’s magazine ban because it restricted <i>who</i> (i.e., only disfavored groups) may use and possess arms, not <i>what</i> arms anyone may possess. <i>Id.</i> at 2133.</p> <p>Further, if a restriction that applied only to disfavored groups was a sufficient historical tradition, then neither <i>Heller</i> nor <i>Bruen</i> would have ruled in favor of the individual right to keep and bear arms.</p>
19	1799	New Jersey	Charles Nettleton, Laws of the State of New-Jersey, at 474 (1821), [An Act to Describe, Apprehend and Punish Disorderly Persons (1799)], § 2	Prohibited the carrying of any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent to assault any person.”	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, only while participating in or intending to engage in illegal activity (i.e., assault). <i>Bruen</i>, 142 S.Ct. at 2133.</p>
20	1801	Tennessee	1801 Tenn. Act 260-61	Prohibited the private carrying of “any dirk, large knife, pistol, or any other dangerous weapon, to	<u>Objection to inclusion.</u>

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				the fear or terror of any person," unless a surety is posted. Punishable as for "breach of the peace, or riot at common law."	This law is not "relevantly similar" to CA's magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only the manner of carrying certain arms and, even then, only while participating in a riot or breaching the peace. <i>Bruen</i> , 142 S.Ct. at 2133.
21	1804	Indiana [Territory]	1804 Ind. Acts 108, A Law Entitled a Law Respecting Slaves, § 4	Prohibited a "slave or mulatto" from carrying or possessing a gun, powder, shot, club or other weapon and ammunition.	<p><u>Objection to inclusion.</u></p> <p>The 14th Amendment renders explicitly racist laws and slave codes irrelevant to the analysis. <i>Bruen does not even consider</i> the many explicitly racist laws of the 18th and 19th centuries.</p> <p>The law is not "relevantly similar" to CA's magazine ban because it restricted <i>who</i> (i.e., only disfavored groups) may use and possess arms, not <i>what</i> arms anyone may possess. <i>Id.</i> at 2133.</p> <p>Further, if a restriction that applied only to disfavored groups was a sufficient historical tradition, then neither <i>Heller</i> nor <i>Bruen</i> would have ruled in favor of the individual right to keep and bear arms.</p>
22	1804	Mississippi [Territory]	1804 Miss. Laws 90, An Act Respecting Slaves, § 4	Prohibited a "Slave" from keeping or carrying a gun, powder, shot, club, or other weapon.	<p><u>Objection to inclusion.</u></p> <p>The 14th Amendment renders explicitly racist laws and slave codes irrelevant to the analysis. <i>Bruen does not even consider</i> the many explicitly racist laws of the 18th and 19th centuries.</p> <p>The law is not "relevantly similar" to CA's magazine ban because it restricted <i>who</i> may use and possess arms, not <i>what</i> arms they</p>

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					may possess. <i>Bruen</i> , 142 S.Ct. at 2133. Further, if a restriction that applied only to disfavored groups was a sufficient historical tradition, then neither <i>Heller</i> nor <i>Bruen</i> would have ruled in favor of the individual right to keep and bear arms. Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Id.</i> at 2154.
23	1811	Maryland	The Laws of Maryland, with the Charter, the Bill Of Rights, the Constitution of the State, and Its Alterations, the Declaration of Independence, and the Constitution of the United States, and Its Amendments, at 465 (1811)	Prohibited the carrying of any pistol, hanger, cutlass, bludgeon, or other offensive weapon with the intent to assault a person. Punishable by imprisonment for 3 months to 2 years.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, only while participating in or attempting to engage in illegal activity (i.e., assault). <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
24	1813	Louisiana	1813 La. Acts 172, An Act Against Carrying Concealed Weapons, and Going Armed in Public Places in an Unnecessary Manner, § 1	Prohibited the carrying of any concealed weapon, including a dirk, dagger, knife, pistol, or any other deadly weapon.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are

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					carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
25	1816	Georgia	Lucius Q.C. Lamar, A Compilation of the Laws of the State of Georgia, Passed by the Legislature since the Year 1810 to the Year 1819, Inclusive. Comprising all the Laws Passed within those Periods, Arranged under Appropriate Heads, with Notes of Reference to those Laws, or Parts of Laws, which are Amended or Repealed to which are Added such Concurred and Approved Resolutions, as are Either of General, Local, or Private Moment. Concluding with a Copious Index to the Laws, a Separate one to the Resolutions, at 599 (1821), Offences Against the Public Peace, (1816) § 19	Prohibited the carrying of any pistol, hanger, cutlass, bludgeon, or other offensive weapon with the intent to assault a person. Punishable by imprisonment with hard labor for a period of time to be determined by a jury.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, only while participating in or intending to engage in illegal activity (i.e., assault). <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).

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26	1818	Missouri [Territory]	Organic Laws:-Laws of Missouri Territory, (Alphabetically Arranged):-Spanish Regulations for the Allotment of Lands:- Laws of the United States, for Adjusting Titles to Lands, &c. to Which are Added, a Variety of Forms, Useful to Magistrates, at 374 (1818), Slaves, § 3	Prohibited “slave or mulatto” from carrying a gun, powder, shot, club or other weapon and from possessing a gun or ammunition.	<p><u>Objection to inclusion.</u></p> <p>The 14th Amendment renders explicitly racist laws and slave codes irrelevant to the analysis. <i>Bruen does not even consider</i> the many explicitly racist laws of the 18th and 19th centuries.</p> <p>The law is not “relevantly similar” to CA’s magazine ban because it restricted <i>who</i> (i.e., only disfavored groups) may use and possess arms, not <i>what</i> arms anyone may possess. <i>Id.</i> at 2133.</p> <p>Further, if a restriction that applied only to disfavored groups was a sufficient historical tradition, then neither <i>Heller</i> nor <i>Bruen</i> would have ruled in favor of the individual right to keep and bear arms.</p> <p>Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Id.</i> at 2154.</p>
27	1821	Maine	1821 Me. Laws 98, An Act for the Prevention of Damage by Fire, and the Safe Keeping of Gun Powder, chap. 25, § 1	Prohibited any person from possessing any gunpowder, in any quantity, unless permitted by local rules and regulations.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It regulates the possession of gun powder for entirely different reasons than CA does here (i.e., prevention of fires and explosions). <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>But if it were relevant, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more</p>

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					weight than it can rightly bear.”). And this law is an outlier insufficient to establish an American tradition of such regulation. <i>Bruen</i> , 142 S.Ct. at 2133.
28	1835	Arkansas [Territory]	Slaves, in Laws of the Arkansas Territory 521 (J. Steele & J. M’Campbell, Eds., 1835)	Prohibited any “slave or mulatto” from keeping or carrying a gun, powder, shot, club, or other weapon.	<u>Objection to inclusion.</u> The 14th Amendment renders explicitly racist laws and slave codes irrelevant to the analysis. <i>Bruen does not even consider</i> the many explicitly racist laws of the 18th and 19th centuries. The law is not “relevantly similar” to CA’s magazine ban because it restricted <i>who</i> (i.e., only disfavored groups) may use and possess arms, not <i>what</i> arms anyone may possess. <i>Id.</i> at 2133. Further, if a restriction that applied only to disfavored groups was a sufficient historical tradition, then neither <i>Heller</i> nor <i>Bruen</i> would have ruled in favor of the individual right to keep and bear arms. Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Id.</i> at 2154.
29	1836	Massachusetts	Mass. Rev. Stat., ch. 134, § 16 (1836)	Prohibited the carrying of a dirk, dagger, sword, pistol, or other offensive and dangerous weapon without reasonable cause to fear an assault. Punishable by finding sureties for keeping the peace for a term up to 6 months.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms. <i>Bruen</i> , 142 S.Ct. at 2133.

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					<p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p><u>Objection to Description.</u></p> <p>The law does not even ban carry. It only required the posting of a surety and, even then, only if someone complained of a reasonable fear of the person carrying.</p> <p>The relevant text is as follows: “If any person shall go armed with a dirk, dagger, sword, pistol, or other offensive and dangerous weapon, without reasonable cause to fear an assault or other injury, or violence to his person, or to his family or property, he may, on complaint of any person having reasonable cause to fear an injury, or breach of the peace, be required to find sureties for keeping the peace, for a term not exceeding six months, with the right of appealing as before provided.”⁴</p>
30	1836	Connecticut – Cities of Hartford, New Haven, New London,	1836 Conn. Acts 105, ch. 1, § 20	Authorizing the local court of common counsel to prohibit and regulate the storage of gun powder.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession of any arm or any conduct at all. It instead authorizes a court to prohibit and regulate the storage of gun powder, likely for reasons</p>

⁴ <https://firearmslaw.duke.edu/laws/theron-metcalf-the-revised-statutes-of-the-commonwealth-of-massachusetts-passed-november-4-1835-to-which-are-subjoined-an-act-in-amendment-thereof-and-an-act-expressly-to-repeal-the-acts-which-a/>.

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		Norwich, and Middletown			related to fire prevention. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
31	1837	Alabama	1837 Ala. Acts 7, §§ 1, 2	Imposed tax of \$100 on any person selling, giving, or disposing of any Bowie knife or Arkansas toothpick. Failure to pay the tax was subject to penalty of perjury.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on transferring certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
32	1837	Arkansas	Josiah Gould, A Digest of the Statutes of Arkansas Embracing All Laws of a General and Permanent Character in Force the Close of the Session of the General Assembly of 1856 380 381–82 (1837)	Prohibited the concealed carrying of any pistol, dirk, butcher or large knife, sword cane, unless “upon a journey.”	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> one may carry. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving

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					postenactment history more weight than it can rightly bear.”).
33	1837	Georgia	Acts of the General Assembly of the State of Georgia Passed in Milledgeville at an Annual Session in November and December 1837, at 90-91 (1838)	Prohibited any merchant, or “any other person or persons whatsoever,” to sell, offer to sell, keep, or have on their person or elsewhere any Bowie knife or “any other kind of knives, manufactured and sold for the purpose of wearing, or carrying the same as arms of offence or defence,” pistols, swords, sword canes, or spears. Exempted “such pistols as are known as horseman’s pistols” from these restrictions. Punishable by a fine of up to \$100-500 for the first offense and \$500-1,000 for subsequent offenses.	<u>No objection to inclusion.</u> The law was held to be unconstitutional under the 2nd Amendment. <i>Nunn v. State</i> , 1 Ga. 243 (1846). To the extent that it bans the transfer or possession of common arms, like CA’s magazine ban does, judicial review of the law tends to show that CA’s magazine ban is also unconstitutional.
34	1837	Mississippi	1837 Miss. L. 291-92	Prohibited the use of any rifle, shotgun, sword cane, pistol, dirk, dirk knife, Bowie knife, or any other deadly weapon in a fight in which one of the combatants was killed, and the exhibition of any dirk, dirk knife, Bowie knife, sword, sword cane, or other deadly weapon in a rude or threatening manner that was not in necessary self-defense. Punishable by liability to decedent and a fine of up to	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It bans the use of arms (including common arms) to assault and kill people. It also bans brandishing a weapon in a threatening manner necessary for self-defense. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving

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				\$500 and imprisonment for up to 3 months.	postenactment history more weight than it can rightly bear.”).
35	1837	Mississippi – Town of Sharon	1837 Miss. L. 294	Authorized the town of Sharon to enact “the total inhibition of the odious and savage practice” of carrying dirks, Bowie knives, or pistols.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession of any arm or any conduct at all. It instead purports to authorize a local jurisdiction to adopt a law. And the State does not indicate whether the town actually passed that law. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Even if the town did pass such a law, it would not be “relevantly similar” because it would regulate only carry of certain arms.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
36	1837	Tennessee	1837-38 Tenn. Pub. Acts 200-01, An Act to Suppress the Sale and Use of Bowie Knives and Arkansas Tooth Picks in this State, ch. 137, § 2	Prohibited the carrying of a concealed Bowie knife, Arkansas tooth pick, or other knife or weapon. Punishable by fine of \$200-500 and imprisonment for 3-6 months.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>

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37	1837	Tennessee	1837-1838 Tenn. Pub. Acts 200, An Act to Suppress the Sale and Use of Bowie Knives and Arkansas Tooth Picks in this State, ch. 137, § 1.	Prohibited any merchant from selling a Bowie knife or Arkansas tooth pick. Punishable by fine of \$100-500 and imprisonment for \$1-6 months.	<p><u>Objection to inclusion.</u></p> <p>If the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>But if it were relevant, the law was adopted too long after the Founding to be afforded much weight—especially because the law is not consistent with founding-era laws. <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").</p> <p>And this law is an outlier insufficient to establish an American tradition of such regulation. <i>Bruen</i>, 142 S.Ct. at 2133. It was the only still-standing prohibition on sales of bowie knives by the end of the 19th century. Kopel, <i>Bowie Knife Statutes 1837-1899</i>, Reason Magazine (Nov. 20, 2022).</p>
38	1837	Tennessee	1837-1838 Tenn. Pub. Acts 201, An Act to Suppress the Sale and Use of Bowie Knives and Arkansas Tooth Picks in the State, ch. 137, § 4	Prohibited the stabbing or cutting of another person with any knife or weapon known as a "Bowie knife, Arkansas tooth pick, or any knife or weapon that shall in form, shape or size resemble a Bowie knife," regardless of whether the person dies. Punishable by imprisonment for 3-15 years.	<p><u>Objection to inclusion.</u></p> <p>This law is not "relevantly similar" to CA's magazine ban. It does not ban possession, transfer, or manufacture of any arm. It only bans the use of certain knives to stab or cut people. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against "giving</p>

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					postenactment history more weight than it can rightly bear.”).
39	1838	Tennessee	Acts Passed at the First Session of the Twenty-Second General Assembly of the State of Tennessee: 1837-38, at 200-01, ch. 137	Prohibited the sale or transfer of any Bowie knife or knives, Arkansas toothpicks, or “any knife or weapon that shall in form shape or size resemble a Bowie knife or any Arkansas toothpick.”	<p><u>Objection to inclusion.</u></p> <p>This appears to be the same TN Bowie knife law listed above (No. 35).</p> <p>If the State’s claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA’s ban on magazines in common use for lawful purposes. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>But if it were relevant, the law was adopted too long after the Founding to be afforded much weight—especially because the law is not consistent with founding-era laws. <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>And this law is an outlier insufficient to establish an American tradition of such regulation. <i>Bruen</i>, 142 S.Ct. at 2133. It was the only still-standing prohibition on sales of bowie knives by the end of the 19th century. Kopel, <i>Bowie Knife Statutes 1837-1899</i>, Reason Magazine, (Nov. 20, 2022).</p>
40	1838	Virginia	Acts of the General Assembly of Virginia, Passed at the Session of 1838, at 76-77, ch. 101 (1838)	Prohibited “habitually or generally” carrying any concealed pistol, dirk, Bowie knife, or any other weapon of like kind.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are</p>

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					carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
41	1839	Alabama	1839 Ala. Acts 67, § 1	Prohibited the concealed carrying of “any species of fire arms, or any bowie knife, Arkansas tooth-pick, or any other knife of the like kind, dirk, or any other deadly weapon.” Punished by fine of \$50-100 and imprisonment not to exceed 3 months.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
42	1839	Florida [Territory]	John P. Duval, Compilation of the Public Acts of the Legislative Council of the Territory of Florida, Passed Prior to 1840, at 423 (1839), An Act to Prevent any Person in this Territory from Carrying Arms Secretly	Prohibited the concealed carrying of “any dirk, pistol, or other arm, or weapon, except a common pocket-knife.” Punishable by fine of \$50-500 or imprisonment for 1-6 months.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving

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					postenactment history more weight than it can rightly bear.”). Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Id.</i> at 2154.
43	1839	Mississippi – Town of Emery	1839 Miss. L. 385, ch. 168	Authorized the town of Emery to enact restrictions on the carrying of dirks, Bowie knives, or pistols.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession of any arm or any conduct at all. It instead purports to authorize a local jurisdiction to adopt a law. And the State does not indicate whether the town actually passed that law. <i>Bruen</i> , 142 S.Ct. at 2133. Even if the town did pass such a law, it would not be “relevantly similar” because it would regulate only carry of certain arms. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
44	1840	Mississippi – Town of Hernando	1840 Miss. L. 181, ch. 111	Authorized the town of Hernando to enact restrictions on the carrying of dirks, Bowie knives, or pistols.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession of any arm or any conduct at all. It instead purports to authorize a local jurisdiction to adopt a law. And the State does not indicate whether the town actually passed that law.

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					<p><i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Even if the town did pass such a law, it would not be “relevantly similar” because it would regulate only carry of certain arms.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
45	1841	Alabama	1841 Ala. Acts 148–49, Of Miscellaneous Offences, ch. 7, § 4	<p>Prohibited the concealed carrying of “a bowie knife, or knife or instrument of the like kind or description, by whatever name called, dirk or any other deadly weapon, pistol or any species of firearms, or air gun,” unless the person is threatened with an attack or is traveling or “setting out on a journey.”</p> <p>Punished by a fine of \$50-100.</p>	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. And it includes exceptions for self-defense and when on a “journey.” <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
46	1841	Maine	1841 Me. Laws 709, ch. 169, § 16.	<p>Prohibited the carrying of a dirk, dagger, sword, pistol, or other offensive and dangerous weapon without reasonable cause to fear an assault. Upon complaint of any person, the person intending to carry such weapons may be</p>	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. And it includes exceptions for self-</p>

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				required to find sureties for keeping the peace for up to six months.	defense and when on a “journey.” <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
47	1841	Mississippi	1841 Miss. 52, ch. 1	Imposed an annual property tax of \$1 on each Bowie knife.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
48	1842	Louisiana	Henry A. Bullard & Thomas Curry, 1 A New Digest of the Statute Laws of the State of Louisiana, from the Change of Government to the Year 1841 at 252 (E. Johns & Co., New Orleans, 1842)	Prohibited the carrying of “any concealed weapon, such as a dirk, dagger, knife, pistol, or any other deadly weapon.” Punishable by fine of \$20-50.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving

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					postenactment history more weight than it can rightly bear.”).
49	1845	Illinois	Mason Brayman, Revised Statutes of the State of Illinois: Adopted by the General Assembly of Said State, at Its Regular Session, Held in the Years A.D. 1844-45: Together with an Appendix Containing Acts Passed at the Same and Previous Sessions, Not Incorporated in the Revised Statutes, but Which Remain in Force , at 176 (1845), Criminal Jurisprudence, § 139	Prohibited the carrying of “any pistol, gun, knife, dirk, bludgeon or other offensive weapon, with intent to assault any person. Punishable by fine up to \$100 or imprisonment up to 3 months.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, only while participating in or intending to engage in illegal activity (i.e., assault). <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
50	1846	North Carolina	1846 N.C. L., ch. 42	Prohibited “any slave” from receiving any sword, dirk, Bowie knife, gun, musket, firearms, or “any other deadly weapons of offense” without written permission.	<p><u>Objection to inclusion.</u></p> <p>The 14th Amendment renders explicitly racist laws and slave codes irrelevant to the analysis. <i>Bruen does not even consider</i> the many explicitly racist laws of the 18th and 19th centuries.</p> <p>The law is not “relevantly similar” to CA’s magazine ban because it restricted <i>who</i> may use and possess arms, not <i>what</i> arms they may possess. <i>Id.</i> at 2133.</p> <p>Further, if a restriction that applied only to disfavored groups was a sufficient historical tradition, then neither <i>Heller</i> nor <i>Bruen</i> would have ruled in favor of the individual</p>

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					right to keep and bear arms. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
51	1847	Maine	The Revised Statutes of the State of Maine, Passed October 22, 1840; To Which are Prefixed the Constitutions of the United States and of the State of Maine, and to Which Are Subjoined the Other Public Laws of 1840 and 1841, with an Appendix, at 709 (1847), Justices of the Peace, § 16	Prohibited the carrying of a dirk, dagger, sword, pistol, or other offensive and dangerous weapon without reasonable cause to fear an assault. Upon complaint of any person, the person intending to carry such weapons may be required to find sureties for keeping the peace for up to one year.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms. And it provides an exception for self-defense <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
52	1849	California – City of San Francisco	1849 Cal. Stat. 245, An Act to Incorporate the City of San Francisco, § 127	Prohibited the carrying, with intent to assault any person, any pistol, gun, knife, dirk, bludgeon, or other offensive weapon with the intent to assault another person.. Punished by fine of up to \$100 and imprisonment for up to 3 months.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, only while participating in or intending to engage in illegal activity (i.e., assault). <i>Bruen</i> , 142 S.Ct. at 2133. Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive.

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					<i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
53	1850	Mississippi	1850 Miss. 43, ch. 1	Imposed an annual property tax of 50 cents on each Bowie knife.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
54	1851	Alabama	1851-52 Ala. 3, ch. 1	Tax of \$2 on “every bowie knife or revolving pistol.”	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).

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55	1851	Illinois – City of Chicago	Ordinances of the City of Chicago, Ill., ch. 16, § 1	Prohibiting the keeping, sale, or giving away of gun powder or gun cotton “in any quantity” absent written permission of the authorities. Punishable by a fine of \$25 per offense.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It regulates the possession of gun powder/cotton differently (i.e., requires permission to possess) than CA’s flat ban. And it regulates for entirely different reasons than CA does here (i.e., prevention of fires and explosions). <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
56	1851	Pennsylvania – City of Philadelphia	1851 Pa. Laws 382, An Act Authorizing Francis Patrick Kenrick, Bishop of Philadelphia, to Convey Certain Real Estate in the Borough of York, and a Supplement to the Charter of Said Borough, § 4	Prohibited the willful and malicious carrying of any pistol, gun, dirk, knife, slungshot, or deadly weapon. Punishable by imprisonment for 6 months to 1 year and security for future good behavior.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>,</p>

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57	1853	California	S. Garfielde, Compiled Laws of the State of California: Containing All the Acts of the Legislature of a Public and General Nature, Now in Force, Passed at the Sessions of 1850-51-52-53, § 127	Prohibited carrying of pistol, gun, knife, dirk, bludgeon, or other offensive weapon with intent to assault. Punishable by fine of up to \$100 or imprisonment for up to 3 months.	<p>142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, only while participating in or intending to engage in illegal activity (i.e., assault). <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
58	1853	New Mexico [Territory]	1853 N.M. Laws 406, An Act Prohibiting the Carrying of Weapons Concealed or Otherwise, § 25	Prohibited the carrying of a concealed pistol, Bowie knife, cuchillo de cinto (belt buckle knife), Arkansas toothpick, Spanish dagger, slungshot, or any other deadly weapon.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>Finally, the 19th-century laws of the Western Territories are not “instructive” because they</p>

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					are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Bruen</i> , 142 S.Ct. at 2154.
59	1854	Mississippi	1854 Miss. 50, ch. 1	Imposed an annual property tax of \$1 on each Bowie knife, Arkansas toothpick, sword cane, and dueling or pocket pistol.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on certain arms. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
60	1854	Washington [Territory]	1854 Wash. Sess. Law 80, An Act Relative to Crimes and Punishments, and Proceedings in Criminal Cases, ch. 2, § 30	Prohibited exhibiting, in a rude, angry, or threatening manner, a pistol, Bowie knife, or other dangerous weapon. Punishable by imprisonment up to 1 year and a fine up to \$500.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only brandishing of certain arms (including common arms) in a rude, angry, or threatening manner. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of</p>

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					and continuing significance of the Second Amendment.” <i>Bruen</i> , 142 S.Ct. at 2154.
61	1855	California	1855 Cal. L. 152-53, ch. 127	Provided that a person who killed another in a duel with “a rifle, shot-gun, pistol, bowie-knife, dirk, small-sword, back-sword or other dangerous weapon” would pay the decedent’s debts and be liable to the decedent’s family for liquidated damages.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession of any arm or any conduct at all. It merely holds a person civilly liable if they kill another person in a duel with certain weapons (including common arms). <i>Bruen</i> , 142 S.Ct. at 2133.
62	1855	Indiana	1855 Ind. Acts 153, An Act to Provide for the Punishment of Persons Interfering with Trains or Railroads, ch. 79, § 1	Prohibited the carrying of any dirk, pistol, Bowie knife, dagger, sword in cane, or any other dangerous or deadly weapon with the intent of injuring another person. Exempted any person who was a “traveler.” Punishable by fine up to \$500.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, even then, only while participating in or intending to engage in illegal activity (i.e., assault). <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
63	1855	Louisiana	1855 La. L. 148, ch. 120	Prohibited the concealed carrying of “pistols, bowie knife, dirk, or any other dangerous weapon.”	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133.

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					Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
64	1856	Mississippi	1856-1857 Miss. L. 36, ch. 1	Imposed an annual property tax of \$1 on each Bowie knife, dirk knife, or sword cane.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on certain arms. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
65	1856	Tennessee	1855-56 Tenn. L. 92, ch. 81	Prohibited the sale or transfer of any pistol, Bowie knife, dirk, Arkansas toothpick, or hunter’s knife to a minor. Excepted the transfer of a gun for hunting.	<p><u>Objection to inclusion.</u></p> <p>The law is not “relevantly similar” to CA’s magazine ban because it restricted only the transfer of certain arms to <i>minors</i>. It did not flatly ban possession by <i>anyone</i>, nor did not ban transfer to adults. <i>Id.</i> at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>

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66	1856	Texas	Tex. Penal Code arts. 611-12 (enacted Aug. 28, 1856)	Provided that the use of a Bowie knife or a dagger in manslaughter is to be deemed murder.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It only enhances criminal charges/penalties for killing another person with certain knives. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, while the court in <i>Cockrum v. State</i>, 24 Tex. 394 (1859) upheld the penalty enhancement, it also held that “[t]he right to carry a bowie-knife for lawful defence is secured, and must be admitted.”</p>
67	1858	Minnesota – City of St. Paul	Ordinances of the City of St. Paul, Minn., ch. 21, § 1	Prohibited the keeping, sale, or giving away of gun powder or gun cotton “in any quantity” absent payment of \$5 to the City Treasurer and written permission of the authorities. Authorized any person to “keep for his own use” no more than 1 pound of gun powder or gun cotton at any one time. Punishable by a fine not to exceed \$50 per offense.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It regulates the possession of gun powder/cotton differently (i.e., requires permission to possess) than CA’s flat ban. And it regulates for entirely different reasons than CA does here (i.e., prevention of fires and explosions). <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Even if it were relevant, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>

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					And this law is an outlier insufficient to establish an American tradition of such regulation. <i>Bruen</i> , 142 S.Ct. at 2133.
68	1858	Nebraska [Territory]	1858 Neb. Laws 69, An Act to Adopt and Establish a Criminal code for the Territory of Nebraska, § 135	Prohibited the carrying of a pistol, gun, knife, dirk, bludgeon or other offensive weapon with the intent to assault a person. Punishable by fine up to \$100.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, only while participating in or intending to engage in illegal activity (i.e., assault). <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Bruen</i>, 142 S.Ct. at 2154.</p>
69	1859	Kentucky – Town of Harrodsburg	1859 Ky. Acts 245, An Act to Amend An Act Entitled “An Act to Reduce to One the Several Acts in Relation to the Town of Harrodsburg, § 23	Prohibited the selling, giving, or loaning of a concealed pistol, dirk, Bowie knife, brass knuckles, slungshot, colt, cane-gun, or other deadly weapon to a “minor, slave, or free negro.” Punishable by fine of \$50.	<p><u>Objection to inclusion.</u></p> <p>The 14th Amendment renders explicitly racist laws and slave codes irrelevant to the analysis. <i>Bruen does not even consider</i> the many explicitly racist laws of the 18th and 19th centuries.</p> <p>The law is not “relevantly similar” to CA’s magazine ban because it restricted <i>who</i> may use and possess arms, not <i>what</i> arms they</p>

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					may possess. <i>Id.</i> at 2133. Further, if a restriction that applied only to disfavored groups was a sufficient historical tradition, then neither <i>Heller</i> nor <i>Bruen</i> would have ruled in favor of the individual right to keep and bear arms.
70	1859	Ohio	1859 Ohio Laws 56, An Act to Prohibit the Carrying or Wearing of Concealed Weapons, § 1	Prohibited the concealed carrying of any pistol, Bowie knife, or any other “dangerous weapon.” Punishable by fine of up to \$200 or imprisonment of up to 30 days for the first offense, and a fine of up to \$500 or imprisonment for up to 3 months for the second offense.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
71	1859	Washington [Territory]	1859 Wash. Sess. Laws 109, An Act Relative to Crimes and Punishments, and Proceedings in Criminal Cases, ch. 2, § 30	Prohibited exhibiting, in a rude, angry, or threatening manner, a pistol, Bowie knife, or other dangerous weapon. Punishable by imprisonment up to 1 year and a fine up to \$500.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only brandishing of certain arms (including common arms) in a rude, angry, or threatening manner. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving

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					postenactment history more weight than it can rightly bear.”).
72	1860	Georgia	1860 Ga. Laws 56, An Act to add an additional Section to the 13th Division of the Penal Code, making it penal to sell to or furnish slaves or free persons of color, with weapons of offence and defence; and for other purposes therein mentioned, § 1.	Prohibited the sale or furnishing of any gun, pistol, Bowie knife, slungshot, sword cane, or other weapon to a “slave or free person of color.” Punishable by fine up to \$500 and imprisonment up to 6 months.	<p><u>Objection to inclusion.</u></p> <p>The 14th Amendment renders explicitly racist laws and slave codes irrelevant to the analysis. <i>Bruen does not even consider</i> the many explicitly racist laws of the 18th and 19th centuries.</p> <p>The law is not “relevantly similar” to CA’s magazine ban because it restricted <i>who</i> (i.e., only disfavored groups) may use and possess arms, not <i>what</i> arms anyone may possess. <i>Id.</i> at 2133.</p> <p>Further, if a restriction that applied only to disfavored groups was a sufficient historical tradition, then neither <i>Heller</i> nor <i>Bruen</i> would have ruled in favor of the individual right to keep and bear arms.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”); <i>id.</i> at 2153-54 (“late 19th-century cannot provide much insight ... when it contradicts earlier evidence”)</p>
73	1861	California	William H. R. Wood, Digest of the Laws of California: Containing All Laws of a General Character Which were in Force on the First Day of	Prohibited the display of any dirk, dirk-knife, Bowie knife, sword, sword cane, pistol, gun, or other deadly weapon in a threatening manner, or use of such weapon in a fight.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only display/brandishing of certain arms (including common arms) in a</p>

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			January, 1858; Also, the Declaration of Independence, Constitution of the United States, Articles of Confederation, Kentucky and Virginia Resolutions of 1798-99, Acts of Congress Relative to Public Lands and Pre-Emptions. Together with Judicial Decisions, Both of the Supreme Court of the United States and of California, to Which are Also Appended Numerous Forms for Obtaining Pre-Emption and Bounty Lands, Etc., at 334 (1861)	Punishable by a fine of \$100-500 or imprisonment for 1-6 months.	threatening manner, and the use of such arms to assault others. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; ; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”); <i>id.</i> at 2153-54 (“late 19th-century cannot provide much insight ... when it contradicts earlier evidence”)
74	1861	Nevada [Territory]	1861 Nev. L. 61	Provided that the killing of another in a duel with a rifle, shotgun, pistol, Bowie knife, dirk, small-sword, back-sword, or other “dangerous weapon” in the killing of another in a duel is to be deemed murder.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It merely provides that killing another person in a duel with certain weapons (including common arms) is murder. <i>Bruen</i> , 142 S.Ct. at 2133.
75	1862	Colorado [Territory]	1862 Colo. Sess. Laws 56, § 1	Prohibited the concealed carrying in any city, town, or village any pistol, Bowie knife, dagger, or other deadly weapon. Punished by fine of \$5-35.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and

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					even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
76	1863	Kansas – City of Leavenworth	C. B. Pierce, Charter and Ordinances of the City of Leavenworth, with an Appendix, at 45 (1863), An Ordinance Relating to Misdemeanors, § 23	Prohibited the carrying of any concealed “pistol, dirk, bowie knife, revolver, slung shot, billy, brass, lead or iron knuckles, or any other deadly weapon within this city.” Punishable by a fine of \$3-100.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
77	1863	Tennessee – City of Memphis	William H. Bridges, Digest of the Charters and Ordinances of the City of Memphis, Together with the Acts of the Legislature Relating to the City, with an Appendix, at 190	Prohibited the carrying of a concealed pistol, Bowie knife, dirk, or any other deadly weapon. Punishable by fine of \$10-50.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are

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			(1863), Offences Affecting Public Safety: Carrying Concealed Weapons, § 3		<p>carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
78	1864	California	Theodore Henry Hittell, The General Laws of the State of California, from 1850 to 1864, Inclusive: Being a Compilation of All Acts of a General Nature Now in Force, with Full References to Repealed Acts, Special and Local Legislation, and Statutory Constructions of the Supreme Court. To Which are Prefixed the Declaration of Independence, Constitution of the United States, Treaty of Guadalupe Hidalgo, Proclamations to the People of California, Constitution of the State of	Prohibited the concealed carrying of any dirk, pistol, sword cane, slungshot, or “other dangerous or deadly weapon.” Exempted any peace officer or officer acting under the law of the United States. Punishable by imprisonment for 30-90 days or fine of \$20-200.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>

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			California, Act of Admission, and United States Naturalization Laws, with Notes of California Decisions Thereon, at 261, § 1 (1868)		
79	1864	Montana [Territory]	1864 Mont. Laws 355, An Act to Prevent the Carrying of Concealed Deadly Weapons in the Cities and Towns of This Territory, § 1	Prohibited the carrying of a concealed “any pistol, bowie-knife, dagger, or other deadly weapon” within any town or village in the territory. Punishable by fine of \$25-100.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Bruen</i>, 142 S.Ct. at 2154.</p>
80	1865	Utah [Territory]	An Act in relation to Crimes and Punishment, Ch. XXII, Title VII, Sec. 102, in Acts, Resolutions and Memorials Passed at the Several Annual Sessions of the Legislative	Prohibited the “set[ting] of any gun.” Punishable by imprisonment of up to 1 year or a fine of up to \$500.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not regulate the possession of any arm. It regulates only how arms are used (i.e., the setting of “trap guns”). And it regulates for completely different reasons than CA’s magazine ban</p>

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			Assembly of the Territory of Utah 59 (Henry McEwan 1866), § 102		(i.e., to prevent unintended discharges). <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”). Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Bruen</i> , 142 S.Ct. at 2154.
81	1866	New York	Montgomery Hunt Throop, The Revised Statutes of the State of New York; As Altered by Subsequent Legislation; Together with the Other Statutory Provisions of a General and Permanent Nature Now in Force, Passed from the Year 1778 to the Close of the Session of the Legislature of 1881, Arranged in Connection with the Same or kindred Subjects in the Revised Statutes; To Which are Added References to Judicial Decisions upon the Provisions Contained in the Text, Explanatory	Prohibited using, attempting to use, concealing, or possessing a slungshot, billy, sandclub or metal knuckles, and any dirk or dagger, or sword cane or air-gun. Punishable by imprisonment for up to 1 year and/or a fine up to \$500.	<u>Objection to inclusion.</u> If the State's claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA's ban on magazines in common use for lawful purposes. <i>Bruen</i> , 142 S.Ct. at 2133. But if it were relevant, the law was adopted too long after the Founding to be afforded much weight—especially because the law is not consistent with founding-era laws. <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”). And this law is an outlier insufficient to establish an American tradition of such regulation. <i>Bruen</i> , 142 S.Ct. at 2133.

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			Notes, and a Full and Complete Index, at 2512 (Vol. 3, 1882), An Act to Prevent the Furtive Possession and use of slungshot and other dangerous weapons, ch. 716, § 1		
82	1866	North Carolina	1866 N.C. L. ch. 21, at 33-34, § 11	Imposed a \$1 tax on every dirk, Bowie knife, pistol, sword cane, dirk cane, and rifle cane used or worn during the year.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on certain arms. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
83	1867	Alabama	1867 Ala. Rev. Code 169	Tax of \$2 on pistols or revolvers in the possession of private persons, excluding dealers, and a tax of \$3 on “all bowie knives, or knives of the like description.” Non-payment was punishable by seizure and, unless payment was made within 10 days with a penalty of an additional 50%, subject to sale by public auction.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on certain arms. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
84	1867	Colorado [Territory]	1867 Colo. Sess. Laws 229, § 149	Prohibited the concealed carrying of any pistol, Bowie knife, dagger, or other deadly weapon within any city, town, or village in the territory. Punishable by fine of \$5-35. Exempted sheriffs, constables, and police officers when performing their official duties.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Bruen</i>, 142 S.Ct. at 2154.</p>
85	1867	Tennessee – City of Memphis	William H. Bridges, Digest of the Charters and Ordinances of the City of Memphis, from 1826 to 1867, Inclusive, Together with the Acts of the Legislature Relating to the City, with an Appendix, at 44 (1867), Police Regulations of the State, Offences Against Public Peace, §§ 4746, 4747, 4753, 4757	Prohibited the carrying of a concealed Bowie knife, Arkansas tooth pick, dirk, sword cane, Spanish stiletto, belt or pocket pistol, or other knife or weapon. Also prohibited selling such a weapon or using such a weapon to threaten people.	<p>§ 4746. <u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>,</p>

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					<p>142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>§ 4747. <u>No objection to inclusion.</u></p> <p>To the extent that the law restricted sales of arms in common use for lawful purposes at the time, it may be relevant to this Court’s analysis.</p> <p>If relevant, however, the law was adopted too long after the Founding to be afforded much weight—especially because the law is not consistent with founding-era laws. <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>And this law is an outlier insufficient to establish an American tradition of such regulation. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>§ 4753. <u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only applies when carrying to terrorize others. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local</p>

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					<p>law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>§ 4757. <u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
86	1867	Tennessee – City of Memphis	William H. Bridges, Digest of the Charters and Ordinances of the City of Memphis, from 1826 to 1867, Inclusive, Together with the Acts of the Legislature Relating to the	Prohibited selling, loaning, or giving to a minor a pistol, Bowie knife, dirk, Arkansas tooth-pick, hunter’s knife, or like dangerous weapon, except a gun for hunting or self defense in traveling. Punishable by fine of	<p><u>Objection to inclusion.</u></p> <p>The law is not “relevantly similar” to CA’s magazine ban because it restricted only the transfer of certain arms to <i>minors</i>. It did not flatly ban possession by anyone, nor did not ban transfer to adults. <i>Bruen</i>, 142 S.Ct. at</p>

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			City, with an Appendix, at 50 (1867), Police Regulations of the State. Selling Liquors or Weapons to Minors, § 4864	minimum \$25 and imprisonment.	2133. Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
87	1868	Alabama	Wade Keyes, The Code of Alabama, 1876, ch. 3, § 4111 (Act of Aug. 5, 1868, at 1)	Prohibited the carrying of any rifle or “shot-gun walking cane.” Punishable by fine of \$500-1000 and imprisonment of no less than 2 years.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight—especially because the law is not consistent with founding-era laws. <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”). What’s more, this law is an extreme outlier in restricting the carry of rifles; it is insufficient to establish an American tradition of such regulation. <i>Bruen</i> , 142 S.Ct. at 2133.
88	1868	Florida	Fla. Act of Aug. 8, 1868, as codified in Fla. Rev.	Prohibited the manufacture or sale of slungshots or metallic	<u>Objection to inclusion.</u>

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			Stat., tit. 2, pt. 5 (1892), at 2425	knuckles. Punishable by imprisonment for up to 6 months or a fine up to \$100.	<p>If the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>But if relevant, the law was adopted too long after the Founding to be afforded much weight—especially because the law is not consistent with founding-era laws. <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").</p> <p>And this law is an outlier insufficient to establish an American tradition of such regulation. <i>Bruen</i>, 142 S.Ct. at 2133.</p>
89	1868	Florida	1868 Fla. Laws 2538, Persons Engaged in Criminal Offence, Having Weapons, ch. 7, § 10	Prohibited the carrying of a slungshot, metallic knuckles, billies, firearms or other dangerous weapon if arrested for committing a criminal offence or disturbance of the peace. Punishable by imprisonment up to 3 months or a fine up to \$100.	<p><u>Objection to inclusion.</u></p> <p>This law is not "relevantly similar" to CA's magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, only when participating in illegal conduct or disturbing the peace. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").</p>
90	1868	Florida	James F McClellan, A Digest of the Laws of the	Prohibited the carrying "about or on their person" any dirk, pistol	<p><u>Objection to inclusion.</u></p> <p>This law is not "relevantly similar" to CA's</p>

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
			State of Florida: From the Year One Thousand Eight Hundred and Twenty-Two, to the Eleventh Day of March, One Thousand Eight Hundred and Eighty-One, Inclusive, at 403 (1881), Offences Against Public Peace, § 13 (Fla. Act of Aug. 6, 1868, ch. 1637)	or other arm or weapon, except a “common pocket knife.” Punishable by fine up to \$100 or imprisonment up to 6 months.	magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
91	1869	Tennessee	1869-70 Tenn. L. 23-24, ch. 22	Prohibited the carrying of any “pistol, dirk, bowie-knife, Arkansas tooth-pick,” any weapon resembling a bowie knife or Arkansas toothpick, “or other deadly or dangerous weapon” while “attending any election” or at “any fair, race course, or public assembly of the people.”	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only while attending certain public events. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
92	1869	Washington [Territory]	1869 Wash. Sess. Laws 203-04, An Act Relative to Crimes and Punishments, and Proceedings in Criminal Cases, ch. 2, § 32	Prohibited exhibiting, in a rude, angry, or threatening manner, a pistol, Bowie knife, or other dangerous weapon. Punishable by imprisonment up to 1 year and a fine up to \$500.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only exhibiting/brandishing of certain arms (including common arms) in a rude, angry, or threatening manner. <i>Bruen</i> , 142 S.Ct. at 2133.

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					Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
93	1870	Georgia	1870 Ga. L. 421, ch. 285	Prohibited the open or concealed carry of “any dirk, bowie-knife, pistol or revolver, or any kind of deadly weapon” at “any court of justice, or any general election ground or precinct, or any other public gathering,” except for militia musters.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only applies in certain public space. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
94	1870	Louisiana	1870 La. Acts 159–60, An Act to Regulate the Conduct and to Maintain the Freedom of Party Election . . . , § 73	Prohibited the carrying of a concealed or open gun, pistol, Bowie knife or other dangerous weapon on an election day during the hours the polls are open or during registration. Punishable by fine of minimum \$100 and imprisonment of minimum 1 month.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only applies in certain public space. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>

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95	1870	New York	"The Man Trap," The Buffalo Commercial, Nov. 1, 1870	Referenced prohibition on the use of "infernal machines."	<p><u>Objection to inclusion.</u></p> <p>It is entirely unclear whether this entry even references a law.</p> <p>If it does, such law is not "relevantly similar" to CA's magazine ban. It does not regulate the possession of any arm. It regulates only how arms are used (i.e., the setting of "trap guns" or "infernal machines"). And it regulates for completely different reasons than CA's magazine ban (i.e., to prevent unintended discharges). <i>Bruen</i>, 142 S.Ct. at 2133.</p>
96	1871	Arkansas – City of Little Rock	George Eugene Dodge, A Digest of the Laws and Ordinances of the City of Little Rock, with the Constitution of State of Arkansas, General Incorporation Laws, and All Acts of the General Assembly Relating to the City 230-31 (1871)	Prohibited carrying of a pistol, revolver, Bowie knife, dirk, rifle, shot gun, slungshot, colt, or metal knuckles while engaged in a breach of the peace. Punishable by a fine of \$25-500.	<p><u>Objection to inclusion.</u></p> <p>This law is not "relevantly similar" to CA's magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, only while participating in or intending to engage in illegal activity (i.e., breach of the peace). <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").</p>

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97	1871	District of Columbia	An Act to Prevent the Carrying of Concealed Weapons, Aug. 10, 1871, reprinted in Laws of the District of Columbia: 1871-1872, Part II, 33 (1872) (Dist. of Col., An Act to Prevent the Carrying of Concealed Weapons, 1871, ch. XXV)	Prohibited the carrying or having concealed “any deadly or dangerous weapons, such as daggers, air-guns, pistols, Bowie knives, dirk-knives, or dirks, razors, razor-blades, sword-canes, slungshots, or brass or other metal knuckles.” Punishable by forfeiture of the weapon and a fine of \$20-50.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
98	1871	Mississippi	1871 Miss. L. 819-20, ch. 33	Imposed property tax on pistols, dirks, Bowie knives, and sword canes.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
991	1871	Missouri – City of St. Louis	Everett Wilson Pattison, The Revised Ordinance of the City of St. Louis, Together with the Constitution of the United States, and of the State of Missouri; the Charter of the City; and a Digest of	Prohibited the carrying of a concealed pistol, or revolver, colt, billy, slungshot, cross knuckles, or knuckles of lead, brass or other metal, Bowie knife, razor, dirk knife, dirk, dagger, or any knife resembling a Bowie knife, or any other	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133.

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			the Acts of the General Assembly, Relating to the City, at 491-92 (1871), Ordinances of the City of St. Louis, Misdemeanors, §§ 9-10.	dangerous or deadly weapon without written permission from the Mayor. Punishable by fine of \$10-500.	Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
100	1871	Tennessee	James H. Shankland Public Statutes of the State of Tennessee, since the Year 1858. Being in the Nature of a Supplement to the Code, at 108 (Nashville, 1871)	Prohibited the carrying of a pistol, dirk, Bowie knife, Arkansas tooth pick, or other weapon in the shape of those weapons, to an election site. Punishable by fine of minimum \$50 and imprisonment at the discretion of the court.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only applies at election sites. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
101	1871	Texas	1871 Tex. Laws 25, An Act to Regulate the Keeping and Bearing of Deadly Weapons. § 1	Prohibited the carrying of a concealed pistol, dirk, dagger, slungshot, sword cane, spear, brass knuckles, Bowie knife, or any other kind of knife used for offense or defense, unless carried openly for self-defense. Punishable by fine of \$20-100, forfeiture of the weapon, and for	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. And it provides an exception for self-defense. <i>Bruen</i> , 142 S.Ct. at 2133.

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				subsequent offenses, imprisonment up to 60 days.	Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”). Finally, while <i>English v. State</i> , 35 Tex. 47 (1872) upheld the constitutionality of the TX law, it held that the arms protected by the 2 nd Amendment are only “the arms of a militiaman or soldier.” This is not the test under <i>Heller</i> or <i>Bruen</i> .
102	1871	Texas	Tex. Act of Apr. 12, 1871, as codified in Tex. Penal Code (1879). Art. 163.	Prohibited the carrying of a concealed or open gun, pistol, Bowie knife, or other dangerous weapon within a half mile of a polling site on an election day. Also prohibited generally carrying a pistol, dirk, dagger, slungshot, sword cane, spear, brass knuckles, Bowie knife, or other kind of knife used for offense or defense. Punishable by fine and forfeiture of the weapon.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried and within ½ mile from polling sites on election day. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
103	1872	Maryland – City of Annapolis	1872 Md. Laws 57, An Act to Add an Additional Section to Article Two of the Code of Public Local Laws, Entitled “Anne Arundel County,” Sub-title	Prohibited the carrying of a concealed pistol, dirk-knife, Bowie knife, slingshot, billy, razor, brass, iron or other metal knuckles, or any other deadly	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are

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			"Annapolis," to Prevent the Carrying of Concealed Weapons in Said City, § 246	weapon. Punishable by a fine of \$3-10.	carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").
104	1872	Nebraska – City of Nebraska	Gilbert B. Colfield, Laws, Ordinances and Rules of Nebraska City, Otoe County, Nebraska, at 36 (1872), Ordinance No. 7, An Ordinance Prohibiting the Carrying of Fire Arms and Concealed Weapons, § 1	Prohibited the carrying openly or concealed of a musket, rifle, shot gun, pistol, sabre, sword, Bowie knife, dirk, sword cane, billy slungshot, brass or other metallic knuckles, or any other dangerous or deadly weapons.	<u>Objection to inclusion.</u> This law is not "relevantly similar" to CA's magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156. And the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").
					What's more, the law is an extreme outlier in that it restricts carry of rifles and other long guns; it is insufficient to establish an

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					American tradition of such regulation. <i>Id.</i> at 2133.
105	1873	Alabama	Wade Keyes, The Code of Alabama, 1876, ch. 3, § 4110 (Act of Apr. 8, 1873, p. 130)	Prohibited the concealed carrying of any brass knuckles, slungshots, or “other weapon of like kind or description.” Punishable by a fine of \$20-200 and imprisonment or term of hard labor not to exceed 6 months.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
106	1873	Georgia	R. H. Clark, The Code of the State of Georgia (1873) § 4528	Prohibited the carrying of any dirk, Bowie knife, pistol, or other deadly weapon to a court, election site, precinct, place of worship, or other public gathering site. Punishable by fine of \$20-50 or imprisonment for 10-20 days.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>where</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
107	1873	Massachusetts	1850 Mass. Gen. Law, ch. 194, §§ 1, 2, as codified in Mass. Gen. Stat., ch. 164 (1873) § 10	Prohibited the carrying of a slungshot, metallic knuckles, bills, or other dangerous weapon if arrested pursuant to a warrant	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It

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				or while committing a crime. Punishable by fine.	regulates only carry of certain arms, and even then, only when participating in illegal conduct. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
108	1873	Massachusetts	1850 Mass. Gen. Law, ch. 194, §§ 1, 2 as codified in Mass. Gen. Stat., ch. 164 (1873) § 11	Prohibited manufacturing or selling a slungshot or metallic knuckles. Punishable by fine up to \$50 or imprisonment up to 6 months.	<u>Objection to inclusion.</u> If the State's claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA's ban on magazines in common use for lawful purposes. <i>Bruen</i> , 142 S.Ct. at 2133. But if relevant, the law was adopted too long after the Founding to be afforded much weight—especially because the law is not consistent with founding-era laws. <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”). And this law is an outlier insufficient to establish an American tradition of such regulation. <i>Bruen</i> , 142 S.Ct. at 2133.
109	1873	Minnesota	The Statutes at Large of the State of Minnesota: Comprising the General Statutes of 1866 as Amended by Subsequent Legislation to the Close of	Prohibited the setting of any spring or trap gun. Punished by imprisonment for at least 6 months or a fine of up to \$500 if no injury results; imprisonment for up to 5 years if non-fatal	<u>Objection to inclusion.</u> The law is not “relevantly similar” to CA's magazine ban. It does not regulate the possession of any arm. It regulates only how arms are used (i.e., the setting of “trap guns”). And it regulates for completely

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			the Session of 1873: Together with All Laws of a General Nature in Force, March 7, A.D. 1873 with References to Judicial Decisions of the State of Minnesota, and of Other States Whose Statutes are Similar to Which are Prefixed the Constitution of the United States, the Organic Act, the Act Authorizing a State Government, and the Constitution of the State of Minnesota, at 993 (Vol. 2, 1873), Of Crimes and Their Punishment, Setting Spring Guns Unlawful, § 64-65	injury results; and imprisonment for 10-15 years if death results.	different reasons than CA's magazine ban (i.e., to prevent unintended discharges). <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").
110	1873	Nevada	Bonnifield, The Compiled Laws of the State of Nevada. Embracing Statutes of 1861 to 1873, Inclusive, at 563 (Vol. 1, 1873), Of Crimes and Punishments, §§ 35-36	Prohibited dueling and killing a person with a rifle, shotgun, pistol, Bowie knife, dirk, small sword, backsword, or other dangerous weapon.	<u>Objection to inclusion.</u> This law is not "relevantly similar" to CA's magazine ban. It does not ban possession, transfer, or manufacture of any arm. It merely bans killing another person in a duel with certain weapons (including common arms). <i>Bruen</i> , 142 S.Ct. at 2133.
111	1873	Tennessee	Seymour Dwight Thompson, A Compilation of the Statute Laws of the State of Tennessee, of a General and Permanent	Prohibited selling, loaning, or giving to a minor a pistol, Bowie knife, dirk, Arkansas tooth-pick, hunter's knife, or like dangerous weapon, except a gun for	<u>Objection to inclusion.</u> The law is not "relevantly similar" to CA's magazine ban because it restricted only the transfer of certain arms to <i>minors</i> . It did not

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			Nature, Compiled on the Basis of the Code of Tennessee, With Notes and References, Including Acts of Session of 1870-1871, at 125 (Vol. 2, 1873), Offences Against Public Policy and Economy, § 4864	hunting or self defense in traveling. Punishable by fine of minimum \$25 and imprisonment for a term determined by the court.	flatly ban possession by anyone, nor did not ban transfer to adults. And it provides express exceptions for hunting and self-defense. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
112	1874	Alabama	1874 Ala. L. 41, ch. 1	Imposed \$25 occupational tax on dealers of pistols, Bowie knives, and dirk knives.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on certain arms. And it only applies to dealers. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
113	1874	Illinois	Harvey Bostwick Hurd, The Revised Statutes of the State of Illinois. A. D. 1874. Comprising the Revised Acts of 1871-72 and 1873-74, Together with All Other General Statutes of the State, in Force on the First Day of July, 1874, at 360 (1874),	Prohibited the carrying a concealed weapon, including a pistol, knife, slungshot, brass, steel, or iron knuckles, or other deadly weapon while disturbing the peace. Punishable by fine up to \$100.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried and only when one is “disturbing the peace.” <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight

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			Disorderly Conduct: Disturbing the Peace, § 56		<i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
114	1874	New Jersey – City of Jersey City	Ordinances of Jersey City, Passed by the Board of Aldermen since May 1, 1871, under the Act Entitled “An Act to Re-organize the Local Government of Jersey City,” Passed March 31, 1871, and the Supplements Thereto, at 41 (1874), An Ordinance to Prevent the Carrying of Loaded or Concealed Weapons within the Limits of Jersey City. The Mayor and Aldermen of Jersey City do ordain as follows: §§ 1-2	Prohibited the carrying of a concealed slungshot, billy, sandclub or metal knuckles, and any dirk or dagger (not contained as a blade of a pocket-knife), and loaded pistol or other dangerous weapon, including a sword in a cane, or air-gun. punishable by confiscation of the weapon and a fine of up to \$20. Exempted policemen of Jersey City.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
115	1874	Virginia	1874 Va. L. 239, ch. 239	Included the value of all “rifles, muskets, and other fire-arms, bowie-knives, dirks, and all weapons of a similar kind” in list of taxable personal property.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. In fact, it does not regulate conduct of any kind. It merely includes arms as taxable personal property. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> ,

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					142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
116	1875	Alabama	1875-1876 Ala. L. 82, ch. 1	Imposed \$50 occupational tax on dealers of pistols, Bowie knives, and dirk knives.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on certain arms. And it only applies to dealers. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
117	1875	Alabama	1875-1876 Ala. L. 46, ch. 2	Imposed tax rate of 0.75% of the value of any pistols, guns, dirks, and Bowie knives.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on certain arms. And it only applies to dealers. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
118	1875	Arkansas	Act of Feb. 16, 1875, 1874-75 Ark. Acts 156, § 1	Prohibited the carrying in public of any “pistol, gun, knife, dirk, bludgeon, or other offensive weapon, with intent to assault	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It</p>

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				any person.” Punishable by a fine of \$25-100.	<p>regulates only carry of certain arms and, even then, only while participating in or intending to engage in illegal activity (i.e., assault). <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>Finally, the law was held to be unconstitutional in <i>Wilson v. State</i>, 33 Ark. 557 (1878).</p>
119	1875	Idaho [Territory]	Crimes and Punishments, in Compiled and Revised Laws of the Territory of Idaho 354 (M. Kelly, Territorial Printer 1875), § 133.	Prohibited the carrying of “any pistol, gun, knife, dirk, bludgeon, or other offensive weapon, with intent to assault any person.” Punishable by imprisonment for up to 3 months or a fine up to \$100.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, only while participating in or intending to engage in illegal activity (i.e., assault). <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Bruen</i>, 142 S.Ct. at 2154.</p>

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120	1875	Indiana	1875 Ind. Acts 62, An Act Defining Certain Misdemeanors, and Prescribing Penalties Therefore, § 1	Prohibited the drawing or threatening to use a pistol, dirk, knife, slungshot, or any other deadly or dangerous weapon. Punishable by fine of \$1-500, and potentially imprisonment up to 6 months.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only drawing/brandishing or threatening to draw/brandish certain arms. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
121	1875	Michigan	1875 Mich. Pub. Acts 136, An Act To Prevent The Setting Of Guns And Other Dangerous Devices, § 1	Prohibited the setting of any spring or trap gun.	<p><u>Objection to inclusion.</u></p> <p>The law is not “relevantly similar” to CA’s magazine ban. It does not regulate the possession of any arm. It regulates only how arms are used (i.e., the setting of “trap guns”). And it regulates for completely different reasons than CA’s magazine ban (i.e., to prevent unintended discharges). <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
122	1876	Alabama	1876-77 Ala. Code 882, § 4109	Prohibited the carrying of a Bowie knife, pistol, or air gun, or any other weapon of “like kind or description,” unless	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It</p>

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				threatened with or having good cause to fear an attack or while traveling or setting out on a journey. Punishable by a fine of \$50-300 and imprisonment or hard labor for no more than 6 months.	regulates only carry of certain arms, and even then, it provides an exception for self-defense. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
123	1876	Colorado	1876 Colo. Sess. Laws 304, § 154	Prohibited the carrying with intent to assault another any pistol, gun, knife, dirk, bludgeon, or other offensive weapon.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, only while participating in or intending to engage in illegal activity (i.e., assault). <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
124	1876	Georgia	1876 Ga. L. 112, ch. 128	Prohibited the transfer of any pistol, dirk, Bowie knife, or sword cane to a minor.	<u>Objection to inclusion.</u> The law is not “relevantly similar” to CA’s magazine ban because it restricted only the transfer of certain arms to <i>minors</i> . It did not flatly ban possession by anyone, nor did not ban transfer to adults. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight

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					<i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
125	1876	Illinois – Village of Hyde Park	Consider H. Willett, Laws and Ordinances Governing the Village of Hyde Park [Illinois] Together with Its Charter and General Laws Affecting Municipal Corporations; Special Ordinances and Charters under Which Corporations Have Vested Rights in the Village. Also, Summary of Decisions of the Supreme Court Relating to Municipal Corporations, Taxation and Assessments, at 64 (1876), Misdemeanors, § 39	Prohibited the carrying a concealed pistol, revolver, slungshot, knuckles, Bowie knife, dirk knife, dirk, dagger, or any other dangerous or deadly weapon without written permission from the Captain of Police. Exempted peace officers.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
126	1876	Wyoming [Territory]	Wyo. Comp. Laws (1876) ch. 35, § 127, as codified in Wyo. Rev. Stat., Crimes (1887), Having possession of offensive weapons, § 1027	Prohibited the carrying of a pistol, knife, dirk, bludgeon, or other offensive weapon with the intent to assault a person. Punishable by fine up to \$500 or imprisonment up to 6 months.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, only while participating in or intending to engage in illegal activity (i.e., assault). <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving

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					postenactment history more weight than it can rightly bear.”). Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Bruen</i> , 142 S.Ct. at 2154.
127	1877	Alabama	Wade Keyes, The Code of Alabama, 1876, ch. 6, § 4230	Prohibited the sale, giving, or lending of any pistol, Bowie knife, or “like knife” to any boy under the age of 18.	<u>Objection to inclusion.</u> The law is not “relevantly similar” to CA’s magazine ban because it restricted only the transfer of certain arms to <i>minors</i> . It did not flatly ban possession by anyone, nor did not ban transfer to adults. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
128	1877	Alabama	Wade Keyes, The Code of Alabama, 1876, ch. 3, § 4109	Prohibited the concealed carrying of any Bowie knife, or any other knife of like kind or description, pistol, air gun, slungshot, brass knuckles, or other deadly or dangerous weapon, unless the person was threatened with, or had good reason to apprehend, an attack, or “while traveling, or setting out on a journey.” Punishable by fine of \$50-300 and	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. And it had exceptions for self-defense and while traveling or on a journey. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> ,

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				imprisonment of not more than 6 months.	142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
129	1877	Colorado – Town of Georgetown	Edward O. Wolcott, The Ordinances of Georgetown [Colorado] Passed June 7th, A.D. 1877, at 100, § 9	Prohibited the concealed carrying of any pistol, Bowie knife, dagger, or other deadly weapon. Punishable by a fine of \$5-50.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
130	1877	New Jersey	Mercer Beasley, Revision of the Statutes of New Jersey: Published under the Authority of the Legislature; by Virtue of an Act Approved April 4, 1871, at 304 (1877), An Act Concerning Disorderly Persons, § 2	Prohibited The carrying of “any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent to assault any person.” Punishable as a “disorderly person.”	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, only while participating in or intending to engage in illegal activity (i.e., assault). <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving</p>

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					postenactment history more weight than it can rightly bear.”).
131	1877	South Dakota [Territory]	S.D. Terr. Pen. Code (1877), § 457 as codified in S.D. Rev. Code, Penal Code (1903), §§ 470-471.	Prohibited the carrying, “whether concealed or not,” of any slungshot, and prohibited the concealed carrying of any firearms or sharp or dangerous weapons.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
132	1877	Utah – City of Provo [Territory]	Chapter 5: Offenses Against the Person, undated, reprinted in The Revised Ordinances Of Provo City, Containing All The Ordinances In Force 105, 106-07 (1877) (Provo, Utah). § 182:	Prohibited carrying a pistol, or other firearm, slungshot, false knuckles, Bowie knife, dagger or any other “dangerous or deadly weapon.” Punishable by fine up to \$25.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>

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133	1878	Alabama – City of Uniontown	1878 Ala. L. 437, ch. 314	Authorized Uniontown to license dealers of pistols, Bowie knives, and dirk knives.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession of any arm or any conduct at all. It instead purports to authorize a local jurisdiction to adopt a law. And the State does not indicate whether the town actually passed that law. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Even if the town did pass such a law, it would not be “relevantly similar” because it would regulate only carry of certain arms.</p>
134	1878	Mississippi	1878 Miss. Laws 175, An Act to Prevent the Carrying of Concealed Weapons and for Other Purposes, § 1	Prohibited the carrying of a concealed Bowie knife, pistol, brass knuckles, slungshot or other deadly weapon. Excepted travels other than “a tramp.” Punishable by fine of \$5-100.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. And it provided an exception for travelling. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
135	1879	Alabama – City of Montgomery	J. M. Falkner, The Code of Ordinances of the City Council of Montgomery [Alabama] (1879), § 428	Prohibited carrying of a concealed Bowie knife, pistol, air gun, slungshot, brass knuckles, or other deadly or dangerous weapon. Punishable by a fine of \$1-100.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are</p>

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					<p>carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally., the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
136	1879	Idaho – City of Boise [Territory]	Charter and Revised Ordinances of Boise City, Idaho. In Effect April 12, 1894, at 118-19 (1894), Carrying Concealed Weapons, § 36	Prohibited the carrying a concealed Bowie knife, dirk knife, pistol or sword in cane, slungshot, metallic knuckles, or other dangerous or deadly weapon, unless traveling or setting out on a journey. Punishable by fine up to \$25 and/or imprisonment up to 20 days.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>And the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of</p>

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					and continuing significance of the Second Amendment.” <i>Bruen</i> , 142 S.Ct. at 2154.
137	1879	Louisiana	La. Const. of 1879, art. III	Provided the right to bear arms, but authorizes the passage of laws restricting the carrying of concealed weapons.	<u>No objection to inclusion.</u> To the extent that the law recognizes the individual right to bear arms, it is potentially relevant to this Court's analysis. But providing authority to regulate carrying of concealed weapons is not “relevantly similar” to CA's magazine ban. It does not ban the possession, manufacture, or transfer of any arms. It regulates only the carry of arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133.
138	1879	Montana [Territory]	1879 Mont. Laws 359, Offences against the Lives and Persons of Individuals, ch. 4, § 23	Prohibited dueling and killing a person involved with a rifle, shot-gun, pistol, Bowie knife, dirk, small-sword, back-sword, or other dangerous weapon. Punishable by death by hanging.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA's magazine ban. It does not ban possession, transfer, or manufacture of any arm. It merely bans killing another person in a duel with certain weapons (including common arms). <i>Bruen</i> , 142 S.Ct. at 2133.
139	1879	North Carolina	North Carolina: N.C. Sess. Laws (1879), ch. 127, as codified in North Carolina Code, Crim. Code, ch. 25 (1883) § 1005, Concealed weapons, the carrying or unlawfully, a misdemeanor	Prohibited the concealed carrying of any pistol, Bowie knife, dirk, dagger, slungshot, loaded case, metal knuckles, razor, or other deadly weapon. Exemption for carrying on the owner's premises. Punishable by fine or imprisonment at the discretion of the court.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA's magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. And it provides an express exemption for carry within the home. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight

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					<i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
140	1880	Ohio	Michael Augustus Daugherty, The Revised Statutes and Other Acts of a General Nature of the State of Ohio: In Force January 1, 1880, at 1633 (Vol. 2, 1879), Offences Against Public Peace, § 6892	Prohibited the concealed carrying of any pistol, Bowie knife, dirk, or other dangerous weapon. Punishable by a fine of up to \$200 or imprisonment for up to 30 days for the first offense, and a fine of up to \$500 or imprisonment for up to 3 months for the second offense.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
141	1880	South Carolina	1880 S.C. Acts 448, § 1, as codified in S.C. Rev. Stat. (1894), § 129	Prohibited the carrying of a concealed pistol, dirk, dagger, slungshot, metal knuckles, razor, or other deadly weapon. Punishable by fine up to \$200 and/or imprisonment up to 1 year.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
142	1881	Alabama	1880-1881 Ala. L. 38-39, ch. 44	Prohibited the concealed carrying of any Bowie knife, or	<u>Objection to inclusion.</u>

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				any other knife of like kind or description, pistol, or firearm of "any other kind or description," or air gun. Punishable by fine of \$50-300 and imprisonment of not more than 6 months. Further provided that fines collected under the statute would be monetary and not in-kind payments.	This law is not "relevantly similar" to CA's magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").
143	1881	Arkansas	1881 Ark. Acts 191, ch. 96, § 1-2	Prohibited the carrying of any dirk, Bowie knife, sword, spear cane, metal knuckles, razor, or any pistol (except pistols that are used in the Army or Navy if carried openly in the hand).	<u>Objection to inclusion.</u> This law is not "relevantly similar" to CA's magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").
144	1881	Colorado	Colo. Rev. Stat 1774, § 248 (1881)	Prohibited the concealed carrying of any firearms, any pistol, revolver, Bowie knife, dagger, slingshot, brass knuckles, or other deadly weapon, unless authorized by chief of police.	<u>Objection to inclusion.</u> This law is not "relevantly similar" to CA's magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133.

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					Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
145	1881	Delaware	1881 Del. Laws 987, An Act Providing for the Punishment of Persons Carrying Concealed Deadly Weapons, ch. 548, § 1	Prohibited the carrying of concealed deadly weapons or selling deadly weapons other than an ordinary pocket knife to minors. Punishable by a fine of \$25-200 or imprisonment for 10-30 days.	<p><u>Objection to inclusion.</u></p> <p>The law’s transfer restriction is not “relevantly similar” to CA’s magazine ban because it restricted only the transfer of certain arms (including common arms) to <i>minors</i>. It did not flatly ban possession by anyone, nor did not ban transfer to adults. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>The restriction on concealed carry is not “relevantly similar” either. It does not ban the possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
146	1881	Illinois	Ill. Act of Apr. 16, 1881, as codified in Ill. Stat. Ann., Crim. Code 73 (1885), ch. 38, Possession or sale forbidden, § 1	Prohibited the possession, selling, loaning, or hiring for barter of a slungshot or metallic knuckles or other deadly weapon. Punishable as a misdemeanor.	<p><u>Objection to inclusion.</u></p> <p>If the State’s claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA’s ban on magazines in common use for lawful purposes. <i>Bruen</i>, 142 S.Ct. at 2133.</p>

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					<p>But if relevant, the law was adopted too long after the Founding to be afforded much weight—especially because the law is not consistent with founding-era laws. <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>And this law is an outlier insufficient to establish an American tradition of such regulation. <i>Bruen</i>, 142 S.Ct. at 2133.</p>
147	1881	Illinois	Harvey Bostwick Hurd, Late Commissioner, The Revised Statutes of the State of Illinois. 1882. Comprising the “Revised Statutes of 1874,” and All Amendments Thereto, Together with the General Acts of 1875, 1877, 1879, 1881 and 1882, Being All the General Statutes of the State, in Force on the First Day of December, 1882, at 375 (1882), Deadly Weapons: Selling or Giving to Minor, § 54b.	Prohibited selling, giving, loaning, hiring for barter any minor a pistol, revolver, derringer, Bowie knife, dirk or other deadly weapon. Punishable by fine of \$25-200.	<p><u>Objection to inclusion.</u></p> <p>The law is not “relevantly similar” to CA’s magazine ban because it restricted only the transfer of certain arms (including common arms) to <i>minors</i>. It did not flatly ban possession by anyone, nor did not ban transfer to adults. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
148	1881	Indiana	The Revised Statutes of Indiana: Containing, Also, the United States and Indiana Constitutions and an Appendix of Historical	Prohibited maliciously or mischievously shooting a gun, rifle, pistol, or other missile or weapon, or throwing a stone, stick, club, or other substance at a vehicle. Punishable by	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It merely bans shooting or throwing certain projectiles at vehicles. And it regulates for</p>

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			Documents. Vol. 1, at 366 (1881), Crimes, § 1957	imprisonment for 30 days to 1 year and a fine of \$10-100.	very different reasons (i.e., vehicle accident prevention). <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
149	1881	Nevada	David E. Baily, The General Statutes of the State of Nevada. In Force. From 1861 to 1885, Inclusive. With Citations of the Decisions of the Supreme Court Relating Thereto, at 1077 (1885), An Act to prohibit the carrying of concealed weapons by minors, § 1	Prohibited a minor from carrying a concealed dirk, pistol, sword in case, slungshot, or other dangerous or deadly weapon. Punishable by fine of \$20-200 and/or imprisonment of 30 days to 6 months.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It merely bans shooting or throwing certain projectiles at vehicles. And it regulates for very different reasons (i.e., vehicle accident prevention). <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
150	1881	New York	George S. Diossy, The Statute Law of the State of New York: Comprising the Revised Statutes and All Other Laws of General Interest, in Force January 1, 1881, Arranged Alphabetically According to Subjects, at 321 (Vol. 1,	Prohibited using, attempting to use, or concealing a slungshot, billy, sandclub or metal knuckles, and any dirk. Punishable by imprisonment for up to 1 year and/or a fine up to \$500.	<u>Objection to inclusion.</u> If the State’s claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA’s ban on magazines in common use for lawful purposes. <i>Bruen</i> , 142 S.Ct. at 2133. But if relevant, the law was adopted too long after the Founding to be afforded much

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			1881), Offenses Against Public Decency; Malicious Mischief, and Other Crimes not Before Enumerated, Concealed Weapons, § 9		weight—especially because the law is not consistent with founding-era laws. <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”). And this law is an outlier insufficient to establish an American tradition of such regulation. <i>Bruen</i> , 142 S.Ct. at 2133.
151	1881	Tennessee – City of Nashville	William King McAlister Jr., Ordinances of the City of Nashville, to Which are Prefixed the State Laws Chartering and Relating to the City, with an Appendix, at 340-41 (1881), Ordinances of the City of Nashville, Carrying Pistols, Bowie-Knives, Etc., § 1	Prohibited the carrying of pistol, Bowie knife, dirk, slungshot, brass knuckles, or other deadly weapon. Punishable by fine of \$10-50 for a first offense and \$50 for subsequent offenses.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
152	1881	Washington [Territory]	1881 Wash. Code 181, Criminal Procedure, Offenses Against Public Policy, ch. 73, § 929	Prohibited the carrying of “any concealed weapon.” Punishable by fine up to \$100 or imprisonment up to 30 days.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are

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					carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
153	1881	Washington – City of New Tacoma [Territory]	1881 Wash. Sess. Laws 76, An Act to Confer a City Govt. on New Tacoma, ch. 6, § 34, pt. 15	Authorized New Tacoma to regulate transporting, storing, or selling gunpowder, giant powder, dynamite, nitroglycerine, or other combustibles without a license, as well as the carrying concealed deadly weapons, and the use of guns, pistols, firearms, firecrackers.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession of any arm or any conduct at all. It instead purports to authorize a local jurisdiction to adopt a law. And the State does not indicate whether the town actually passed that law. <i>Bruen</i> , 142 S.Ct. at 2133. Even if the town did pass such a law, it would not be “relevantly similar” to CA’s magazine ban. It regulates for completely different reasons (i.e., prevention of fires and explosions) than CA’s magazine ban. <i>Bruen</i> , 142 S.Ct. at 2133.
154	1881	Washington [Territory]	William Lair Hill, Ballinger’s Annotated Codes and Statutes of Washington, Showing All Statutes in Force, Including the Session Laws of 1897, at 1956 (Vol. 2, 1897)	Prohibited exhibiting a dangerous weapon in a manner likely to cause terror. Punishable by fine up to \$25.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only exhibiting/brandishing of arms in a terrorizing manner. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> ,

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					142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
155	1882	Georgia	1882-83 Gal. L. 48-49, ch. 94	Prohibited the concealed carrying of any “pistol, dirk, sword in a cane, spear, Bowie-knife, or any other kind of knives manufactured and sold for the purpose of offense and defense.”	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
156	1882	Georgia	1882-83 Ga. L. 37, ch. 18	Imposed \$25 occupational tax on dealers of pistols, revolvers, dirks, or Bowie knives.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on certain arms. And it only applies to dealers. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
157	1882	Iowa – City of Sioux City	S. J. Quincy, Revised Ordinances of the City of Sioux City, Iowa, at 62 (1882), Ordinances of the	Prohibited the carrying a concealed pistol, revolver, slungshot, cross-knuckles, knuckles of lead, brass or other	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession,</p>

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			City of Sioux City, Iowa, § 4.	metal, or any Bowie knife, razor, billy, dirk, dirk knife or Bowie knife, or other dangerous weapon.	transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
158	1882	West Virginia	1882 W. Va. Acts 421-22; W. Va. Code, ch. 148, § 7	Prohibited the carrying of a pistol, dirk, Bowie knife, razor, slungshot, billy, metallic or other false knuckles, or any other dangerous or deadly weapon. Also prohibited selling any such weapon to a minor. Punishable by fine of \$25-200 and imprisonment of 1-12 months.	<u>Objection to inclusion.</u> The law's transfer restriction is not “relevantly similar” to CA's magazine ban. It restricted only the transfer of arms (including common arms) to <i>minors</i> . It did not flatly ban possession by anyone, nor did not ban transfer to adults. <i>Bruen</i> , 142 S.Ct. at 2133. The restriction on carry is not “relevantly similar” either. It does not ban the possession, transfer, or manufacture of any arm. It regulates only carry of certain arms. <i>Id.</i> Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).

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159	1883	Illinois – City of Danville	Revised Ordinances of the City of Danville [Illinois], at 66 (1883), Ordinances of the City of Danville. Concealed Weapons, § 22.	Prohibited the carrying of a concealed pistol, revolver, derringer, Bowie knife, dirk, slungshot, metallic knuckles, or a razor, as a weapon, or any other deadly weapon. Also prohibited displaying the weapon in a threatening or boisterous manner. Punishable by fine of \$1-100 and forfeiting the weapon, if ordered by the magistrate.	<p><u>Objection to inclusion.</u></p> <p>This law's carry restriction is not "relevantly similar" to CA's magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>The law's restriction on displaying/brandishing arms is not "relevantly similar" either. It does not ban possession, transfer, or manufacture of any arm. It regulates only displaying/brandishing of arms in a threatening or boisterous manner. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").</p>
160	1883	Kansas	1883 Kan. Sess. Laws 159, An Act to Prevent Selling, Trading Or Giving Deadly Weapons or Toy Pistols to Minors, and to Provide Punishment Therefor, §§ 1-2	Prohibited the selling, trading, giving, or loaning of a pistol, revolver, or toy pistol, dirk, Bowie knife, brass knuckles, slungshot, or other dangerous weapons to any minor, or to any person of notoriously unsound mind. Also prohibited the	<p><u>Objection to inclusion.</u></p> <p>The law is not "relevantly similar" to CA's magazine ban because it restricted only the transfer of certain arms (including common arms) to <i>minors</i> and those of "notoriously unsound mind." It did not flatly ban possession of arms by or transfer of arms to law-abiding adults of "sound mind." <i>Bruen</i>,</p>

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				possession of such weapons by any minor. Punishable by fine of \$5-100. Also prohibited a minor from possessing a pistol, revolver, toy pistol by which cartridges may be exploded, dirk, Bowie knife, brass knuckles, slungshot, or other dangerous weapon. Punishable by fine of \$1-10.	142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
161	1883	Missouri	1883 Mo. Laws 76, An Act to Amend Section 1274, Article 2, Chapter 24 of the Revised Statutes of Missouri, Entitled “Of Crimes And Criminal Procedure” § 1274	Prohibited the carrying of a concealed fire arms, Bowie knife, dirk, dagger, slungshot, or other deadly weapon to a church, school, election site, or other public setting or carrying in a threatening manner or while intoxicated. Punishable by fine of \$25-200 and/or by imprisonment up to 6 months.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> and <i>where</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
162	1883	Washington – City of Snohomish [Territory]	1883 Wash. Sess. Laws 302, An Act to Incorporate the City of Snohomish, ch. 6, § 29, pt. 15	Authorized City of Snohomish to regulate and prohibit carrying concealed deadly weapons and to prohibit using guns, pistols, firearms, firecrackers, bombs, and explosives.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession of any arm or any conduct at all. It instead purports to authorize a local jurisdiction to adopt a law. And the State does not indicate whether the town actually passed that law. <i>Bruen</i> , 142 S.Ct. at 2133.

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					Even if the town did pass such a law, it would not be “relevantly similar” because it would regulate only carry of certain arms.
163	1883	Wisconsin – City of Oshkosh	1883 Wis. Sess. Laws 713, An Act to Revise, consolidate And Amend The Charter Of The City Of Oshkosh, The Act Incorporating The City, And The Several Acts Amendatory Thereof, ch. 6, § 3, pt. 56	Prohibited the carrying of a concealed pistol or colt, or slungshot, or cross knuckles or knuckles of lead, brass or other metal or Bowie knife, dirk knife, or dirk or dagger, or any other dangerous or deadly weapon. Punishable by confiscation of the weapon.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
164	1884	Georgia	1884-85 Ga. L. 23, ch. 52	Imposed \$100 occupational tax on dealers of pistols, revolvers, dirks, or Bowie knives.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on dealers of certain arms. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>

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165	1884	Maine	The Revised Statutes of the State of Maine, Passed August 29, 1883, and Taking Effect January 1, 1884, at 928, (1884), Prevention of Crimes, § 10	Prohibited the carrying of a dirk, dagger, sword, pistol, or other offensive and dangerous weapon without reasonable cause to fear an assault.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, provides an exception to the law for self-defense. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
166	1884	Minnesota – City of Saint Paul	W. P. Murray, The Municipal Code of Saint Paul: Comprising the Laws of the State of Minnesota Relating to the City of Saint Paul, and the Ordinances of the Common Council; Revised to December 1, 1884, at 289 (1884), Concealed Weapons – License, § 1	Prohibited the carrying of a concealed pistol or pistols, dirk, dagger, sword, slungshot, cross-knuckles, or knuckles of lead, brass or other metal, Bowie knife, dirk knife or razor, or any other dangerous or deadly weapon. Punishable by seizure of the weapon.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>

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167	1884	Tennessee	Tenn. Pub. Acts (1879), ch. 186, as codified in Tenn. Code (1884)	Prohibited the carrying, “publicly or privately,” of any dirk, razor, sword cane, loaded cane, slungshot, brass knuckles, Spanish stiletto, belt or pocket pistol, revolver, or any kind of pistol.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
168	1884	Vermont	1884 Vt. Acts & Resolves 74, An Act Relating To Traps, § 1	Prohibited the setting of any spring gun trap. Punishable by a fine of \$50-500 and liability for twice the amount of any damage resulting from the trap.	<u>Objection to inclusion.</u> The law is not “relevantly similar” to CA’s magazine ban. It does not regulate the possession of any arm. It regulates only how arms are used (i.e., the setting of “trap guns”). And it regulates for completely different reasons than CA’s magazine ban (i.e., to prevent unintended discharges). <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
169	1884	Wyoming [Territory]	1884 Wyo. Sess. Laws, ch. 67, § 1, as codified in Wyo. Rev. Stat., Crimes (1887): Exhibiting deadly	Prohibited exhibiting in a threatening manner a fire-arm, Bowie knife, dirk, dagger, slungshot or other deadly weapon. Punishable by fine of	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only exhibiting/brandishing of arms

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			weapon in angry manner. § 983	\$10-100 or imprisonment up to 6 months.	in a threatening manner. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”). Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Bruen</i> , 142 S.Ct. at 2154.
170	1885	Montana [Territory]	1885 Mont. Laws 74, Deadly Weapons, An Act to Amend § 62 of Chapter IV of the Fourth Division of the Revised Statutes, § 62-63	Prohibited possessing, carrying, or purchasing a dirk, dirk-knife, sword, sword cane, pistol, gun, or other deadly weapon, and from using the weapon in a threatening manner or in a fight. Punishable by fine of \$10-100 and/or imprisonment for 1-3 months.	<u>No objection to inclusion.</u> To the extent the law purports to ban the possession or transfer of arms in common use for lawful purposes, it may be relevant to this Court’s analysis. But if relevant, the law was adopted too long after the Founding to be afforded much weight—especially because the law is not consistent with founding-era laws. <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”). And this law is an outlier insufficient to establish an American tradition of such regulation. <i>Bruen</i> , 142 S.Ct. at 2133.
171	1885	New York	George R. Donnan, Annotated Code of Criminal Procedure and	Prohibited using or attempting to use, carrying, concealing, or possessing a slungshot, billy,	<u>Objection to inclusion.</u>

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			Penal Code of the State of New York as Amended 1882-85, at 172 (1885), Carrying, Using, Etc., Certain Weapons, § 410	sandclub or metal knuckles, or a dagger, dirk or dangerous knife. Punishable as a felony, and as a misdemeanor if a minor.	<p>If the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>But if relevant, the law was adopted too long after the Founding to be afforded much weight—especially because the law is not consistent with founding-era laws. <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").</p> <p>And this law is an outlier insufficient to establish an American tradition of such regulation. <i>Bruen</i>, 142 S.Ct. at 2133.</p>
172	1885	New York – City of Syracuse	Charter and Ordinances of the City of Syracuse: Together with the Rules of the Common Council, the Rules and Regulations of the Police and Fire Departments, and the Civil Service Regulations, at 215 (1885), [Offenses Against the Public Peace and Quiet,] § 7	Prohibited the carrying or using with the intent to do bodily harm a dirk, Bowie knife, sword or spear cane, pistol, revolver, slungshot, jimmy, brass knuckles, or other deadly or unlawful weapon. Punishable by a fine of \$25-100 and/or imprisonment for 30 days to 3 months.	<p><u>Objection to inclusion.</u></p> <p>If the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>But if relevant, the law was adopted too long after the Founding to be afforded much weight—especially because the law is not consistent with founding-era laws. <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").</p>

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					And this law is an outlier insufficient to establish an American tradition of such regulation. <i>Bruen</i> , 142 S.Ct. at 2133.
173	1885	Oregon	1885 Or. Laws 33, An Act to Prevent Persons from Carrying Concealed Weapons and to Provide for the Punishment of the Same, §§ 1-2	Prohibited the concealed carrying of any revolver, pistol, or other firearm, or any knife (other than an “ordinary pocket knife”), or any dirk, dagger, slungshot, metal knuckles, or any instrument that could cause injury. Punishable by a fine of \$10-200 or imprisonment for 5-100 days.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
174	1886	Colorado – City of Denver	Isham White, The Laws and Ordinances of the City of Denver, Colorado, at 369, § 10 (1886)	Prohibited the carrying of any slungshot, colt, or metal knuckles while engaged in any breach of the peace. Punishable by a fine of \$25-300.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, only when one is engaged in a breach of the peace. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving</p>

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					postenactment history more weight than it can rightly bear.”).
175	1886	Georgia	1886 Ga. L. 17, ch. 54	Imposed \$100 occupational tax on dealers of pistols, revolvers, dirks, Bowie knives, and “pistol or revolver cartridges.”	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on dealers of certain arms. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
176	1886	Maryland – County of Calvert	1886 Md. Laws 315, An Act to Prevent the Carrying of Guns, Pistols, Dirk-knives, Razors, Billies or Bludgeons by any Person in Calvert County, on the Days of Election in said County, Within One Mile of the Polls § 1	Prohibited the carrying of a gun, pistol, dirk, dirk-knife, razor, billy or bludgeon on an election day. Punishable by a fine of \$10-50.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only applies on election day. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
177	1886	Maryland – County of Calvert	John Prentiss Poe, The Maryland Code. Public Local Laws, Adopted by the General Assembly of Maryland March 14, 1888. Including also the Acts of the Session of 1888 Incorporated Therein, and Prefaced with the Constitution of the State, at 468-69 (Vol. 1, 1888), Concealed Weapons, § 30	Prohibited the carrying of a concealed pistol, dirk knife, Bowie knife, slungshot, billy, sandclub, metal knuckles, razor, or any other dangerous or deadly weapon. Punishable by fine of up to \$500 or imprisonment of up to 6 months.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
178	1886	Maryland	1886 Md. Laws 315, An Act to Prevent the Carrying of Guns, Pistols, Dirk-knives, Razors, Billies or Bludgeons by any Person in Calvert County, on the Days of Election in said County, Within One Mile of the Polls § 1	Prohibited the carrying of a gun, pistol, dirk, dirk-knife, razor, billy or bludgeon on an election day within 300 yards of the polls. Punishable by fine of \$10-50.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only applies on election day and w/in 300 yards of the polls. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
179	1887	Alabama	1886 Ala. L. 36, ch. 4	Imposed \$300 occupational tax on dealers of pistols, pistol cartridges, Bowie knives, and dirk knives.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on dealers of certain arms. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
180	1887	Iowa – City of Council Bluffs	Geoffrey Andrew Holmes, Compiled Ordinances of the City of Council Bluffs, and Containing the Statutes Applicable to Cities of the First-Class, Organized under the Laws of Iowa, at 206-07 (1887), Carrying Concealed Weapons Prohibited, § 105	Prohibited the carrying of a concealed pistol or firearms, slungshot, brass knuckles, or knuckles of lead, brass or other metal or material , or any sandbag, air guns of any description, dagger, Bowie knife, or instrument for cutting, stabbing or striking, or other dangerous or deadly weapon, instrument or device.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
181	1887	Kansas – City of Independence	O. P. Ergenbright, Revised Ordinances of the City of Independence, Kansas:	Prohibited using a pistol or other weapon in a hostile or threatening manner. Also	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s</p>

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
			Together with the Amended Laws Governing Cities of the Second Class and Standing Rules of the City Council, at 162 (1887), Weapons, § 27	prohibited carrying a concealed pistol, dirk, Bowie knife, revolver, slungshot, billy, brass, lead, or iron knuckles, or any deadly weapon. Punishable by fine of \$5-100.	magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only the use of certain arms in a hostile or threatening manner and the manner of carrying certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
182	1887	Michigan	1887 Mich. Pub. Acts 144, An Act to Prevent The Carrying Of Concealed Weapons, And To Provide Punishment Therefore, § 1	Prohibited the carrying of a concealed dirk, dagger, sword, pistol, air gun, stiletto, metallic knuckles, pocket-billy, sandbag, skull cracker, slungshot, razor or other offensive and dangerous weapon or instrument.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
183	1887	Montana [Territory]	1887 Mont. Laws 549, Criminal Laws, § 174	Prohibited the carrying of a any pistol, gun, knife, dirk-knife, bludgeon, or other offensive	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession,

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
				weapon with the intent to assault a person. Punishable by fine up to \$100 or imprisonment up to 3 months.	transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, only while participating in or intending to engage in illegal activity (i.e., assault). <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
184	1887	New Mexico [Territory]	An Act to Prohibit the Unlawful Carrying and Use of Deadly Weapons, Feb. 18, 1887, reprinted in Acts of the Legislative Assembly of the Territory of New Mexico, Twenty-Seventh Session 55, 58 (1887)	Defined “deadly weapons” as including pistols, whether the same be a revolved, repeater, derringer, or any kind or class of pistol or gun; any and all kinds of daggers, Bowie knives, poniards, butcher knives, dirk knives, and all such weapons with which dangerous cuts can be given, or with which dangerous thrusts can be inflicted, including sword canes, and any kind of sharp pointed canes; as also slungshots, bludgeons or any other deadly weapons.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm or any other conduct. It merely provides a definition of “deadly weapons.” <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”). Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Bruen</i> , 142 S.Ct. at 2154.
185	1887	Virginia	The Code of Virginia: With the Declaration of Independence and the	Prohibited the carrying of a concealed pistol, dirk, Bowie knife, razor, slungshot, or any	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession,

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
			Constitution of the United States; and the Constitution of Virginia, at 897 (1887), Offences Against the Peace, § 3780	weapon of the like kind. Punishable by fine of \$20-100 and forfeiture of the weapon.	transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
186	1888	Maryland – County of Kent	John Prentiss Poe, The Maryland Code : Public Local Laws, Adopted by the General Assembly of Maryland March 14, 1888. Including also the Public Local Acts of the Session of 1888 incorporated therein, at 1457 (Vol. 2, 1888), Election Districts–Fences, § 99	Prohibited carrying, on days of an election, any gun, pistol, dirk, dirk-knife, razor, billy or bludgeon. Punishable by a fine of \$5-20.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only applies on election day. <i>Bruen</i> , 142 S.Ct. at 2133. Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
187	1888	Florida	Fla. Act of Aug. 6, 1888, ch. 1637, subch. 7, § 10, as codified in Fla. Rev. State., tit. 2, pt. 5 (1892)	Prohibited the concealed carrying of slungshot, metallic knuckles, billies, firearms, or other dangerous weapons if arrested for committing a	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only the manner of carrying certain

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
				criminal offense or disturbance of the peace. Punishable by imprisonment up to 1 year and a fine up to \$50.	arms, and even then, only while participating in or intending to engage in illegal activity. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
188	1888	Georgia	1888 Ga. L. 22, ch. 123	Imposed \$25 occupational tax on dealers of pistols, revolvers, dirks, or Bowie knives.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on dealers of certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
189	1888	Maryland – City of Baltimore	John Prentiss Poe, The Maryland Code. Public Local Laws, Adopted by the General Assembly of Maryland March 14, 1888. Including also the Public Local Acts of the Session of 1888 Incorporated Therein, at 522-23 (Vol. 1, 1888), City of Baltimore, § 742	Prohibited the carrying of a pistol, dirk knife, Bowie knife, slingshot, billy, brass, iron or any other metal knuckles, razor, or any other deadly weapon if arrested for being drunk and disorderly. Punishable by fine of \$5-25, and confiscation of the weapon.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only applied when one was arrested for being drunk and disorderly. <i>Bruen</i> , 142 S.Ct. at 2133. Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive.

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
					<p><i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
190	1888	Minnesota	George Brooks Young. General Statutes of the State of Minnesota in Force January 1, 1889, at 1006 (Vol. 2, 1888), Making, Selling, etc., Dangerous Weapons, §§ 333-34	Prohibited manufacturing, selling, giving, or disposing of a slungshot, sandclub, or metal knuckles, or selling or giving a pistol or firearm to a minor without magistrate consent. Also prohibited carrying a concealed slungshot, sandclub, or metal knuckles, or a dagger, dirk, knife, pistol or other fire-arm, or any dangerous weapon.	<p>§ 333. <u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban because it restricted only the transfer of certain arms to <i>minors</i>. It did not flatly ban possession by <i>anyone</i>, nor did not ban transfer to adults. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>§ 334. <u>Objection to inclusion</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only the attempt to use certain arms “against another” and the carry of such arm with the intent to assault. <i>Id.</i> at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p><u>Objection to description.</u></p> <p>The law was not a flat a restriction on carry. It only restricted carry with the intent to assault another.</p>

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					The relevant language is as follows: “A person who attempts to use against another, or who, with intent so to use, carries, conceals, or possesses any instrument or weapon of the kind commonly known as a slung-shot, sand-club, or metal knuckles, or a dagger, dirk, knife, pistol or other fire-arm, or any dangerous weapon, is guilty of a misdemeanor.”
191	1888	Utah – City of Salt Lake City [Territory]	Dangerous and Concealed Weapon, Feb. 14, 1888, reprinted in The Revised Ordinances Of Salt Lake City, Utah 283 (1893) (Salt Lake City, Utah). § 14	Prohibited carrying a slingshot or any concealed deadly weapon without permission of the mayor. Punishable by fine up to \$50.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms, and even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
Defendant's Survey of Statutes (1889 – 1930s)					
192	1889	Arizona [Territory]	1889 Ariz. Sess. Laws 16, § 1	Prohibited carrying of any pistol, dirk, dagger, slungshot, sword cane, spear, brass knuckles, Bowie knife, or any knife	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession,</p>

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				manufactured to offensive or defensive purposes. Punishable by a fine of \$25-100 and forfeiture of the weapon.	transfer, or manufacture of any arm. It regulates only carry of certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”). Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Bruen</i> , 142 S.Ct. at 2154. Defendants have not provided the current status of this law indicating whether the law was ever repealed or reviewed by a court. ⁵
193	1889	Idaho [Territory]	The Act of the Territory of Idaho approved February 4, 1889 (Sess. Laws 1889, p. 27)	Prohibited private persons from carrying “deadly weapons” within any city, town or village.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving

⁵ Plaintiffs will not repeat this for each entry in the chart in which Defendants did not provide the current status of the law, because it applies to nearly every entry in this survey. It is likely that the vast majority of the laws Defendants present here have been repealed or replaced or are otherwise no longer enforced.

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					postenactment history more weight than it can rightly bear.”). Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Bruen</i> , 142 S.Ct. at 2154.
194	1889	Pennsylvania – City of Johnstown	Laws of the City of Johnstown, Pa., Embracing City Charter, Act of Assembly of May 23, 1889, for the Government of Cities of the Third Class, General and Special Ordinances, Rules of Select and Common Councils and Joint Sessions, at 86 (1897), An Ordinance for the Security of Persons and Property of the Inhabitants of the City of Johnstown; The preservation of the Public Peace and Good Order of the City, and Prescribing Penalties for Offenses Against the Same, § 12	Prohibited the concealed carrying of any pistol, razor, dirk, Bowie knife, blackjack, handy billy, or other deadly weapon. Punishable by fine of \$5-50.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
195	1890	Connecticut – City of New Haven	Charles Stoers Hamilton, Charter and Ordinances of the City of New Haven, Together with Legislative	Prohibited the concealed carrying of any metal knuckles, pistol, slungshot, stiletto, or similar weapons, absent written	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It

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			Acts Affecting Said City, at 164, § 192 (1890)	permission of the mayor or superintendent of police. Punishable by a fine of \$5-50.	regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
196	1890	Georgia	1890 Ga. L. 38, ch. 131	Imposed \$100 occupational tax on dealers of pistols, revolvers, dirks, or Bowie knives.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on dealers of certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
197	1890	Louisiana	890 La. L. 39, ch. 46	Prohibiting the transfer of any pistol, dirk, Bowie knife, or “any other dangerous weapon, which may be carried concealed on a person to any person under the age of 21.	<u>Objection to inclusion.</u> The law is not “relevantly similar” to CA’s magazine ban because it restricted only the transfer of certain arms to <i>minors</i> . It did not flatly ban possession by <i>anyone</i> , nor did not

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					<p>ban transfer to adults. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Bruen</i>, 142 S.Ct. at 2154.</p>
198	1890	Maryland – City of Baltimore	John Prentiss Poe, The Baltimore City Code, Containing the Public Local Laws of Maryland Relating to the City of Baltimore, and the Ordinances of the Mayor and City Council, in Force on the First Day of November, 1891, with a Supplement, Containing the Public Local Laws Relating to the City of Baltimore, Passed at the Session of 1892 of the General Assembly, and also the Ordinances of the Mayor and City Council, Passed at the Session of	Prohibited the carrying of a concealed pistol, dirk-knife, Bowie knife, slingshot, billy, sandclub, metal knuckles, razor or any other dangerous or deadly weapon, or who openly carries with the intent to injure a person. Punishable by fine of up to \$500 and imprisonment up to 6 months.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>

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			1891-92, and of 1892-1893, up to the Summer Recess of 1893, at 297-98 (1893), Ordinances of Baltimore, § 742A		
199	1890	Nebraska – City of Omaha	W. J. Connell, The Revised Ordinances of the City of Omaha, Nebraska, Embracing All Ordinances of a General Nature in Force April 1, 1890, Together with the Charter for Metropolitan Cities, the Constitution of the United States and the Constitution of the State of Nebraska, at 344 (1890), Ordinances of Omaha, Concealed Weapons, § 10	Prohibited the carrying of a concealed pistol or revolver, colt, billy, slungshot, brass knuckles or knuckles of lead, dirk, dagger, or any knife resembling a Bowie knife, or any other dangerous or deadly weapon. Punishable by fine up to \$100.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; see also <i>Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
200	1890	Nebraska – City of Omaha	W. J. Connell, The Revised Ordinances of the City of Omaha, Nebraska, Embracing All Ordinances of a General Nature in Force April 1, 1890, Together with the Charter for Metropolitan Cities, the Constitution of the United States and the	Prohibited the carrying of a concealed pistol or revolver, colt, billy, slungshot, brass knuckles or knuckles of lead, dirk, dagger, or any knife resembling a Bowie knife, or any other dangerous or deadly weapon. Punishable by fine up to \$100.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive.</p>

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			Constitution of the State of Nebraska, at 344 (1890), Ordinances of Omaha, Concealed Weapons, § 10.		<i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
201	1890	Oklahoma [Territory]	1890 Okla. Laws 495, art. 47, §§ 1, 2, 10; Leander G. Pitman, The Statutes of Oklahoma, 1890. (From the Laws Passed by the First Legislative Assembly of the Territory), at 495-96 (1891)	Prohibited the concealed carrying of any pistol, revolver, Bowie knife, dirk, dagger, slungshot, sword cane, spear, metal knuckles, or any other knife or instrument manufactured or sold solely for defense. Also prohibited the carrying of any pistol, revolver, Bowie knife, dirk knife, loaded cane, billy, metal knuckles, or “any other offensive or defense weapon.” Punishable by a fine of \$50-500 and imprisonment for 3-12 months.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”). Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Bruen</i> , 142 S.Ct. at 2154.
202	1890	Oklahoma [Territory]	1890 Okla. Sess. Laws 475, Crimes Against The Public Health And Safety, §§ 18-19	Prohibited the manufacture, sale, giving, or disposing of any instrument or weapon usually known as a slungshot, and prohibited the carrying any slungshot or similar weapon.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban transfer or manufacture of arms in common use for lawful purposes at the time. <i>Bruen</i> , 142 S.Ct. at 2133.

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					<p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; see also <i>Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Bruen</i>, 142 S.Ct. at 2154.</p>
203	1890	Oklahoma – Town of Checotah [Territory]	General Laws Relating to Incorporated Towns of Indian Territory, at 37 (1890), Revised Ordinances of the Town of Checotah, Ordinance No. 11, § 3	Prohibited the carrying of any pistol; dirk; butcher knife; Bowie knife; sword; spear-cane, metal knuckles, razor, slungshot, sandbag, or a switchblade.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>The law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; see also <i>Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second</p>

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					Amendment.” <i>Bruen</i> , 142 S.Ct. at 2154.
204	1891	Michigan	1891 Mich. Pub. Acts 409, Police Department, pt 15	Prohibited the carrying of a concealed pistol, revolver, Bowie knife, dirk, slungshot, billie, sandbag, false knuckles, or other dangerous weapon. Also prohibited lurking or being concealed with the intent to injure a person or property, or threatening to beat or kill a person or property. Punishable by fine up to \$100 and the costs of prosecution, and in default of payment, imprisonment.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
205	1891	Missouri	“Shot by a Trap-Gun,” The South Bend Tribune, Feb. 11, 1891	Fined farmer for setting a trap gun that killed his wife.	<u>Objection to inclusion.</u> It is entirely unclear whether this entry even references a law. If it does, such law is not “relevantly similar” to CA’s magazine ban. It does not regulate the possession of any arm. It regulates only how arms are used (i.e., the setting of “trap guns”). And it regulates for completely different reasons than CA’s magazine ban (i.e., to prevent unintended discharges). <i>Bruen</i> , 142 S.Ct. at 2133.
206	1891	North Dakota	1891 N.D. Laws 193, An Act to Amend Sections 1 and 2 of Chapter 63 of the General Laws of 1883, ch. 70, § 1	Prohibited the setting of any gun or gun trap to be discharged at certain animals.	<u>Objection to inclusion.</u> The law is not “relevantly similar” to CA’s magazine ban. It does not regulate the possession of any arm. It regulates only how arms are used (i.e., the setting of “trap

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					guns"). And it regulates for completely different reasons than CA's magazine ban (i.e., to prevent unintended discharges). <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").
207	1891	West Virginia	1891 W. Va. Code 915, Of Offences Against the Peace, ch. 148, § 7	Prohibited the carrying of a pistol, dirk, Bowie knife, razor, slungshot, billy, metallic or other false knuckles, or any other dangerous or deadly weapon. Also prohibited selling such a weapon to a minor. Punishable by fine of \$25-200 and imprisonment for 1-12 months.	<u>Objection to inclusion.</u> The law's transfer restriction is not "relevantly similar" to CA's magazine ban because it restricted only the transfer of certain arms to <i>minors</i> . It did not flatly ban possession by <i>anyone</i> , nor did not ban transfer to adults. <i>Bruen</i> , 142 S.Ct. at 2133. The law's carry restriction is not "relevantly similar" either because it does not ban possession, transfer, or manufacture of any arm. It only regulates the carry of certain arms. <i>Id.</i> Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").
208	1892	Alabama	1892 Ala. L. 183, ch. 95	Imposed \$300 occupational tax on dealers of pistols, pistol cartridges, Bowie knives, and dirk knives, and clarified that	<u>Objection to inclusion.</u> This law is not "relevantly similar" to CA's magazine ban. It does not ban possession,

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				cartridges that can be used in a pistol shall be deemed pistol cartridges.	transfer, or manufacture of any arm. It is only a tax on dealers of certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
209	1892	Georgia	1892 Ga. L. 25, ch. 133	Imposed \$100 occupational tax on dealers of pistols, revolvers, dirks, Bowie knives, and metal knuckles.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on dealers of certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
210	1892	Washington – City of Tacoma	Albert R. Heilig, Ordinances of the City of Tacoma, Washington, at 333-34 (1892)	Prohibited the carrying of a concealed a revolver, pistol or other fire arms or any knife (other than an ordinary pocket knife) or any dirk or dagger, slingshot or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive.

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					<i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
211	1893	Arizona [Territory]	1893 Ariz. Sess. Laws 3, § 1	Prohibited the concealed carrying of any pistol or other firearm, dirk, dagger, slungshot, sword cane, spear, brass knuckles, Bowie knife (or any kind of knife, except a pocket knife not manufactured for offensive or defensive use).	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”). Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Bruen</i> , 142 S.Ct. at 2154.
212	1893	Delaware	Revised Statutes of the State of Delaware, of Eight Hundred and Fifty-Two. As They Have Since Been Amended, Together with the Additional Laws	Prohibited the concealed carrying of deadly weapons or selling deadly weapons other than an ordinary pocket knife, and prohibited discharging any firearm in any public road.	<u>Objection to inclusion.</u> To the extent that this law restricts transfer of arms in common use for lawful purposes, this late 19th-century law “cannot provide much insight into the meaning of the Second Amendment” because it is not consistent

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			of a Public and General Nature, Which Have Been Enacted Since the Publication of the Revised Code of Eighteen Fifty-Two. To the Year of Our Lord One Thousand Eight Hundred and Ninety-Three; to Which are Added the Constitutions of the United States and of this State, the Declaration of Independence, and Appendix, at 987 (1893), An Act Providing for the Punishment of Persons Carrying Concealed Deadly Weapons, § 1	Punishable by fine of \$25-100 or by imprisonment for 10-30 days.	with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2153-54. The law's bans on concealed carry and public discharge are not "relevantly similar" either because neither bans possession, transfer, or manufacture of any arm. <i>Id.</i> Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").
213	1893	North Carolina	1893 N.C. L. 468-69, ch. 514	Prohibiting the transfer of any pistol, pistol cartridge, brass knucks, Bowie knife, dirk, loaded cane, or slingshot to a minor.	<u>Objection to inclusion.</u> The law is not "relevantly similar" to CA's magazine ban because it restricted only the transfer of certain arms to <i>minors</i> . It did not flatly ban possession by <i>anyone</i> , nor did not ban transfer to adults. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").

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214	1893	Rhode Island	1893 R.I. Pub. Laws 231, An Act Prohibiting The Carrying Of Concealed Weapons, chap. 1180, § 1	Prohibited the carrying of any dirk, Bowie knife, butcher knife, dagger, razor, sword cane, air-gun, billy, metal knuckles, slungshot, pistol, or firearm of any description.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; see also <i>Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
215	1893	Tennessee – City of Nashville	Claude Waller, Digest of the Ordinances of the City of Nashville, to Which are Prefixed the State Laws Incorporating, and Relating to, the City, with an Appendix Containing Various Grants and Franchises, at 364-65 (1893), Ordinances of the City of Nashville, § 738	Prohibited the carrying of a pistol, Bowie knife, dirk knife, slungshot, brass knucks, or other deadly weapon. Punishable by fine of \$10-50 for a first offense and \$50 for subsequent offenses.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; see also <i>Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
216	1893	Wyoming – City of Rawlins	A. McMicken, City Attorney, The Revised	Prohibited a person from possessing or carrying a pistol,	<u>Objection to inclusion.</u>

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			Ordinances of the City of Rawlins, Carbon County, Wyoming, at 131-32 (1893), Revised Ordinances of the City of Rawlins, Article VII, Carrying Firearms and Lethal Weapons, § 1	revolver, knife, slungshot, bludgeon or other lethal weapon. Punishable by fine up to \$100 or imprisonment up to 30 days.	<p>This late 19th-century law banning possession of certain arms “cannot provide much insight into the meaning of the Second Amendment” because it is not consistent with earlier laws. <i>Bruen</i>, 142 S.Ct. at 2153-54.</p> <p>Also, if the State’s claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA’s ban on magazines in common use for lawful purposes. <i>Id.</i> at 2133.</p> <p>The law’s restriction on carry is not “relevantly similar” either because it does not ban possession, transfer, or manufacture of any arm. <i>Id.</i></p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; see also <i>Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
217	1895	North Dakota	1895 N.D. Rev. Codes 1293, Penal Code, Crimes Against the Public Health and Safety, ch. 40, §§ 7312-13	Prohibited the carrying of any slungshot or similar weapon, and the concealed carrying of any firearm or any “sharp or dangerous weapon.”	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and,</p>

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					<p>even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; see also <i>Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
218	1895	North Dakota	The Revised Codes of the State of North Dakota 1895 Together with the Constitution of the United States and of the State of North Dakota with the Amendments Thereto, at 1259 (1895)	Prohibited the setting of any spring or trap gun.	<p><u>Objection to inclusion.</u></p> <p>The law is not “relevantly similar” to CA’s magazine ban. It does not regulate the possession of any arm. It regulates only how arms are used (i.e., the setting of “trap guns”). And it regulates for completely different reasons than CA’s magazine ban (i.e., to prevent unintended discharges). <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; see also <i>Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
219	1895	Vermont – City of Barre	Ordinances of the City of Barre, Vermont, ch. 16, § 18 (1895)	Prohibited discharging a gun, pistol, or other loaded firearm, firecracker, serpent, or other explosive, unless on a person’s own property or with the permission of the property owner. Also prohibited making a bonfire in the street except with city council permission and	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only public discharge of firearms and carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p>

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				the carrying of concealed steel or brass knuckles, a pistol, slungshot, stiletto, or weapon of similar character.	Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
220	1896	California – City of Fresno	L. W. Moultrie, City Attorney, Charter and Ordinances of the City of Fresno, 1896, at 37, § 53 (1896)	Prohibited the transfer to any minor under the age of 18 any gun, pistol or other firearm, dirk, Bowie knife, powder, shot, bullets, or any combustible or dangerous material, absent written consent of parent or guardian.	<u>Objection to inclusion.</u> The law is not “relevantly similar” to CA’s magazine ban because it restricted only the transfer of certain arms to <i>minors</i> . It did not flatly ban possession by <i>anyone</i> , nor did not ban transfer to adults or even minors w/ parental consent. <i>Bruen</i> , 142 S.Ct. at 2133. Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
221	1896	California – City of Fresno	L. W. Moultrie, Charter and Ordinances of the City of Fresno, at 30, § 8 (1896)	Prohibited the concealed carrying of any pistol or firearm, slungshot, dirk, Bowie knife, or other deadly weapon, absent written permission.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It

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					<p>regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; see also <i>Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
222	1896	Mississippi	1896 Miss. L. 109-10, ch. 104	Prohibited the carrying of a concealed Bowie knife, dirk, butcher knife, pistol, brass or metallic knuckles, slingshot, sword, or other deadly weapon “of like kind or description.”	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; see also <i>Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
223	1896	Rhode Island	General Laws of the State of Rhode Island and Providence Plantations to Which are Prefixed the Constitutions of the United States and of the State, at	Prohibited the carrying of any dirk, Bowie knife, butcher knife, dagger, razor, sword cane, air-gun, billy, metal knuckles, slungshot, pistol, or firearm of any description. Exempted	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It</p>

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			1010-11 (1896), Offences Against Public Policy, §§ 23, 24, 26	officers or watchmen whose duties required them to make arrests or guard prisoners or property.	regulates only carry of certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
224	1896	Washington – City of Spokane	Rose M. Denny, The Municipal Code of the City of Spokane, Washington. Comprising the Ordinances of the City (Excepting Ordinances Establishing Street Grades) Revised to October 22, 1896, at 309-10 (1896), Ordinances of Spokane, An Ordinance to Punish the Carrying of Concealed Weapons within the City of Spokane, § 1	Prohibited the carrying of a concealed revolver, pistol or other fire-arms, or any knife (other than an ordinary pocket knife) or any dirk or dagger, sling-shot or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property. punishable by fine of \$25-100, cost of prosecution, and imprisonment until fines/costs are paid.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
225	1897	Alabama	William Logan Martin, Commissioner, The Code of Alabama, Adopted by Act of the General Assembly of the State of Alabama, Approved	Tax of \$300 on the sale of pistols, pistol cartridges, Bowie knives, and dirk knives.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It is only a tax on the sale of certain arms. <i>Bruen</i> , 142 S.Ct. at 2133.

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			February 16, 1897, § 27 (1897)		Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
226	1897	Missouri – City of Saint Joseph	William K. Amick, The General Ordinances of the City of Saint Joseph (A City of the Second Class) Embracing all Ordinances of General Interest in Force July 15, 1897, together with the Laws of the State of Missouri of a General Nature Applicable to the City of St. Joseph. Compiled and Arranged, at 508 (1897), Concealed Weapons – Carrying of, § 7	Prohibited the carrying of a concealed pistol or revolver, colt, billy, slungshot, cross knuckles or knuckles of lead, brass or other metal, dirk, dagger, razor, Bowie knife, or any knife resembling a Bowie knife, or any other dangerous or deadly weapon.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
227	1897	Texas	1897 Tex. Gen. Laws 221, An Act to Prevent the Barter, Sale And Gift of Any Pistol, Dirk, Dagger, Slung Shot, Sword Cane, Spear, or Knuckles Made of Any Metal Or Hard Substance to Any Minor Without the Written	Prohibited the selling or giving to a minor a pistol, dirk, dagger, slungshot, sword cane, spear or knuckles made of any metal or hard substance, Bowie knife or any other knife manufactured or sold for the purpose of offense or defense without the consent of their parent or guardian.	<p><u>Objection to inclusion.</u></p> <p>The law is not “relevantly similar” to CA’s magazine ban because it restricted only the transfer of certain arms to <i>minors</i>. It did not flatly ban possession by <i>anyone</i>, nor did not ban transfer to adults or even minors w/ parental consent. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after</p>

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			Consent of the Parent or Guardian of Such Minor. . . , ch. 155	Punishable by fine of \$25-200 and/or imprisonment for 10-30 days.	the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
228	1897	Washington	Richard Achilles Ballinger, Ballinger's Annotated Codes and Statutes of Washington: Showing All Statutes in Force, Including the Session Laws of 1897, at 1956-57 (Vol. 2, 1897), Carrying Concealed Weapons, § 7084	Prohibited the carrying of a concealed revolver, pistol, or other fire-arms, or any knife, (other than an ordinary pocket knife), or any dirk or dagger, sling-shot, or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of any other person. Punishable by fine of \$25-100 and/or imprisonment for 30 days.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
229	1898	Georgia	1898 Ga. L. 60, ch. 103	Prohibited the concealed carry of any pistol, dirk, sword cane, spear, Bowie knife, other kind of knife “manufactured and sold for purpose of offense and defense,” and any “kind of metal knucks.”	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).

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230	1898	Oregon – City of Oregon City	The Charter of Oregon City, Oregon, Together with the Ordinances and Rules of Order, 259 (1898), An Ordinance Providing for the Punishment of Disorderly Persons, and Keepers and Owners of Disorderly Houses, § 2	Prohibited the carrying of any slingshot, billy, dirk, pistol, or “any concealed deadly weapon,” and the discharge of any firearm, air gun, sparrow gun, flipper, or bean shooter, unless in self-defense.	<p><u>Objection to inclusion.</u></p> <p>The law’s carry ban is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>The law’s discharge ban is not “relevantly similar” either. It only restricts the discharge of certain arms unless in self-defense. <i>Id.</i></p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156.</p> <p>Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; see also <i>Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
231	1899	Alaska	Fred F. Barker, Compilation of the Acts of Congress and Treaties Relating to Alaska: From March 30, 1867, to March 3, 1905, at App. A, p. 139 (30 Stat. L. 1253 (1899)); 1896-99 Alaska Sess. Laws 1270, ch. 6, § 117	Prohibited concealed carrying in any manner any revolver, pistol, other firearm, knife (other than an “ordinary pocket knife”), dirk, dagger, slungshot, metal knuckles, or any instrument that could cause injury to a person or property.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; see also <i>Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving</p>

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					postenactment history more weight than it can rightly bear.”). Finally, the 20th-century laws of the U.S. territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Bruen</i> , 142 S.Ct. at 2154.
232	1899	Nebraska – City of Fairfield	Compiled Ordinances of the City of Fairfield, Clay County, Nebraska, at 34 (1899), Ordinance No. 20, An Ordinance to Prohibit the Carrying of Concealed Weapons and Fixing a Penalty for the violations of the same. Be it ordained by the Mayor and Council of the City of Fairfield, Nebraska: § 1	Prohibited the carrying of a concealed pistol, revolver, dirk, Bowie knife, billy, slingshot, metal knuckles, or other dangerous or deadly weapons. Punishable by forfeiture and “shall be so adjudged.”	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
233	1899	Texas – City of San Antonio	Theodore Harris, Charter and Ordinances of the City of San Antonio. Comprising All Ordinances of a General Character in Force August 7th, at 220 (1899),	Prohibited drawing in a threatening manner a pistol, gun, knife, sword cane, club or any other instrument or weapon that may cause death.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only drawing/brandishing of arms in a threatening manner. <i>Bruen</i> , 142 S.Ct. at 2133.

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			Ordinances of the City of San Antonio, Ordinances, ch. 22, § 4		Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
234	1900	Iowa – City of Des Moines	William H. Baily, The Revised Ordinances of Nineteen Hundred of the City of Des Moines, Iowa, at 89-90, (1900), Ordinances City of Des Moines, Weapons, Concealed, § 209	Prohibited the carrying of a concealed pistol or other firearms, slungshot, brass knuckles, or knuckles of lead, brass or other metal or material, or any sandbag, air guns of any description, dagger, Bowie knife, dirk knife, or other knife or instrument for cutting, stabbing or striking, or other dangerous or deadly weapon.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that ordinances from a few cities are persuasive. <i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
235	1900	New York	1900 N.Y. Laws 459, An Act to Amend Section Four Hundred and Nine of the Penal Code, Relative	Prohibited manufacturing or selling a slungshot, billy, sandclub or metal knuckles, and prohibited selling a firearm to a minor in any city or incorporated	<u>Objection to inclusion.</u> The law’s firearm transfer restriction is not “relevantly similar” to CA’s magazine ban because it restricted only the transfer of

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			to Dangerous Weapons, ch. 222, § 1	village without written consent of police magistrate. Exempted any officer of the United States or peace officer when necessary and proper to discharge official duties.	<p>firearms (including common arms) to <i>minors</i>. It did not flatly ban possession by <i>anyone</i>, nor did not ban transfer of firearms to adults or even to minors with parental consent. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>Re: the law’s restrictions on manufacturing and transferring any slungshot, billy, sandclub, or metal knuckles: If the State’s claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA’s ban on magazines in common use for lawful purposes. <i>Id.</i></p> <p>Even if relevant, this 20th-century law banning the manufacture and transfer of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i>, 142 S.Ct. at 2154, n.28.</p> <p>And this law is an outlier insufficient to establish an American tradition of such regulation. <i>Id.</i></p>
236	1901	Arizona [Territory]	1901 Ariz. 1251-53, §§ 381, 385, 390	Prohibited the concealed carrying of any pistol or other firearm, dirk, dagger, slungshot, sword cane, spear, brass knuckles, Bowie knife (or any	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and,</p>

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				kind of knife, except a pocket knife not manufactured for offensive or defensive use). Exempted peace officers in discharge of official duties. Punishable by a fine of \$25-100 and forfeiture of the weapon.	even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”). Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Bruen</i> , 142 S.Ct. at 2154.
237	1901	Utah	1901 Utah Laws 97-98, An Act Defining an Infernal Machine, and Prescribing Penalties for the Construction or Contrivance of the Same, or Having Such Machine in Possession, or Delivering Such Machine to Any Person . . . , ch. 96, §§ 1-3	Prohibited the construction and possession of any “infernal machine,” defined as a device with a loaded firearm that is capable of igniting when moved, handled, or opened.	<u>Objection to inclusion.</u> The law is not “relevantly similar” to CA’s magazine ban. It does not regulate the possession of any arm. It regulates only how arms are used (i.e., the setting of “infernal machines”). And it regulates for completely different reasons than CA’s magazine ban (i.e., to prevent unintended discharges). <i>Bruen</i> , 142 S.Ct. at 2133.
238	1903	Oklahoma [Territory]	Wilson’s Rev. & Ann. St. Okla.(1903) § 583, c. 25	Prohibited the concealed carrying of any pistol, revolver, Bowie knife, dirk, dagger, slungshot, sword cane, spear, metal knuckles, or other kind of knife manufactured for defense.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133.

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					<p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; see also <i>Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>Finally, the 19th-century laws of the Western Territories are not “instructive” because they are “most unlikely to reflect ‘the origins of and continuing significance of the Second Amendment.’” <i>Bruen</i>, 142 S.Ct. at 2154.</p>
239	1903	South Dakota	S.D. Rev. Code, Penal Code 1150 (1903) §§ 470, 471	Prohibited the carrying of a concealed slungshot, firearm, or sharp or dangerous weapon.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; see also <i>Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
240	1905	Indiana	1905 Ind. Acts 677, Public Conveyance—Attacking, § 410	Prohibited maliciously or mischievously shooting a gun, rifle, pistol or other weapon, or throwing a stone, stick, club or any other substance at a vehicle. Punishable by imprisonment for 30 days to 1 year and a fine of \$10-100.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It merely bans shooting or throwing certain projectiles at vehicles with the. <i>Bruen</i>, 142 S.Ct. at 2133.</p>

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					Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
241	1905	New Jersey	1905 N.J. Laws 324-25, A Supplement to an Act Entitled “An Act for the Punishment of Crimes,” ch. 172, § 1	Prohibited the carrying of a concealed revolver, pistol or other deadly, offensive or dangerous weapon or firearm or any stiletto, dagger or razor. Punishable by fine up to \$200 and/or imprisonment with hard labor up to 2 years.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
242	1908	Rhode Island	1908 (January Session) R.I. Pub. Laws 145, An Act in Amendment of section 23 of chapter 283 of the General Laws, § 23	Prohibited the carrying of any dirk, dagger, razor, sword cane, Bowie knife, butcher knife, air-gun, billy, metal knuckles, slungshot, pistol, other firearm. Exempted officers or watchmen.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).

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243	1909	Idaho	1909 Id. Sess. Laws 6, An Act To Regulate the Use and Carrying of Concealed Deadly Weapons and to Regulate the Sale or Delivery of Deadly Weapons to Minors Under the Age of Sixteen Years to Provide a Penalty for the Violation of the Provisions of this Act, and to Exempt Certain Persons, § 1	Prohibited the carrying a concealed dirk, Bowie knife, dagger, slungshot, pistol, revolver, gun, or any other deadly or dangerous weapon in any public setting.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; see also <i>Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
244	1909	South Dakota	1909 S.D. Sess. Laws 450, An Act for the Preservation, Propagation, Protection, Taking, Use and Transportation of Game and Fish and Establishing the Office of State Game Warden and Defining His Duties, ch. 240, §§ 21-22	Prohibited the setting or possession of any “set gun.”	<p><u>Objection to inclusion.</u></p> <p>The law is not “relevantly similar” to CA’s magazine ban. It regulates for completely different reasons than CA’s magazine ban (i.e., to prevent unintended discharges while hunting). <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; see also <i>Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
245	1909	Washington	1909 Wash. Sess. Laws 973, An Act Relating to Crimes and Punishments and the Rights and Custody of Persons Accused or Convicted of	Prohibited the setting of any trap, spring pistol, rifle, or other deadly weapon. Punishable by imprisonment for up to 1 year or a fine of up to \$1,000. Further punishable by imprisonment for	<p><u>Objection to inclusion.</u></p> <p>The law is not “relevantly similar” to CA’s magazine ban. It does not regulate the possession of any arm. It regulates only how arms are used (i.e., the setting of “trap guns”). And it regulates for completely</p>

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			Crime, and Repealing Certain Acts, ch. 249, ch. 7, §266, pts. 1-3	up to 20 years for non-fatal or fatal injuries resulting from the trap or	different reasons than CA's magazine ban (i.e., to prevent unintended discharges). <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").
246	1911	New York	1911 N.Y. Laws 442, An Act to Amend the Penal Law, in Relation to the Sale and Carrying of Dangerous Weapons, ch. 195, § 1	Prohibited the manufacture, sale, giving, or disposing of any weapon of the kind usually known as a blackjack, slungshot, billy, sandclub, sandbag, bludgeon, or metal knuckles, and the offering, sale, loaning, leasing, or giving of any gun, revolver, pistol, air gun, or spring-gun to a person under the age of 16.	<u>Objection to inclusion.</u> The law is not "relevantly similar" to CA's magazine ban because it restricted only the transfer of certain arms to <i>minors under 16</i> . It did not flatly ban possession by <i>anyone</i> , nor did not ban transfer to adults or even minors over 16. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").
247	1911	New York	1911 N.Y. Laws 442-43, An Act to Amend the Penal Law, in Relation to the Sale and Carrying of Dangerous Weapons. ch. 195, § 1	Prohibited the carrying or possession of any weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, or bludgeon, and the carrying or possession of any dagger, dirk, dangerous knife, razor, stiletto, or other "dangerous or deadly instrument	<u>Objection to inclusion.</u> The law is not "relevantly similar" to CA's magazine ban because it restricted only the transfer of certain arms to <i>minors under 16</i> . It did not flatly ban possession by <i>anyone</i> , nor did not ban transfer to adults or even minors over 16. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight

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				or weapon” with intent to use the weapon unlawfully against another.	<i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
248	1912	Vermont	1912 Vt. Acts and Resolves 261	Prohibited the setting of any spring gun. Punishable by a fine of \$50-500 and liability for twice the amount of damage resulting from the trap.	<p><u>Objection to inclusion.</u></p> <p>The law is not “relevantly similar” to CA’s magazine ban. It does not regulate the possession of any arm. It regulates only how arms are used (i.e., the setting of “spring guns”). And it regulates for completely different reasons than CA’s magazine ban (i.e., to prevent unintended discharges). <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
249	1913	Florida	1913 Fla. 117, An Act to Regulate the Hunting of Wild Deer etc., § 8	Prohibited hunting wild game with automatic guns.	<p><u>Objection to inclusion.</u></p> <p>This 20th-century law banning hunting with certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i>, 142 S.Ct. at 2154, n.28.</p> <p>Further, this law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It merely regulates which arms may be used for hunting wild game. <i>Id.</i> at 2133.</p> <p>Also, if the State’s claim is that the arms subject to this law are “dangerous and</p>

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					unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i>
250	1913	Hawaii [Territory]	1913 Haw. Rev. Laws ch. 209, § 3089, Carrying Deadly Weapons, § 3089.	Prohibited the carrying a Bowie knife, sword cane, pistol, air-gun, slungshot, or other deadly weapon. Punishable by fine of \$10-250 or imprisonment for 3-12 months, unless good cause can be shown for carrying the weapon.	<u>Objection to inclusion.</u> This law is not "relevantly similar" to CA's magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it provides an exception for good cause. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").
251	1913	Iowa	1913 Iowa Acts 307, ch. 297, §§ 1, 2	Prohibited the carrying of a concealed dirk, dagger, sword, pistol, revolver, stiletto, metallic knuckles, picket billy, sandbag, skull cracker, slungshot, or other offensive and dangerous weapons or instruments. Also prohibited the selling, keeping for sale, offering for sale, loaning, or giving away any dirk, dagger, stiletto, metallic knuckles, sandbag, or "skull cracker." Exempted the selling or keeping for sale of "hunting and fishing knives."	<u>Objection to inclusion.</u> This law is not "relevantly similar" to CA's magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").

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252	1913	New York	1913 N.Y. Laws 1627-30, vol. III, ch. 608, § 1, Carrying and Use of Dangerous Weapons, Carrying Weapons, Dangerous or Unusual Weapons, § 1	Prohibited the carrying or possession of any weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, bludgeon, bomb, or bombshell, and the carrying or possession of any dagger, dirk, dangerous knife, razor, stiletto, or other "dangerous or deadly instruments or weapon."	<u>Objection to inclusion.</u> This law is not "relevantly similar" to CA's magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").
253	1915	New Hampshire	1915 N.H. Laws 180-81, An Act to Revise and Amend the Fish and Game Laws, ch. 133, pt. 2, § 18	Prohibited the setting of a spring gun. Punished by a fine of \$50-500.	<u>Objection to inclusion.</u> This law is not "relevantly similar" to CA's magazine ban. It does not regulate the possession of any arm. It regulates only how arms are used (i.e., the setting of "spring guns"). And it regulates for completely different reasons than CA's magazine ban (i.e., to prevent unintended discharges while hunting). <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").
254	1915	North Dakota	1915 N.D. Laws 96, An Act to Provide for the Punishment of Any Person Carrying Concealed Any	Prohibited the concealed carrying of any instrument or weapon usually known as a blackjack, slungshot, billy,	<u>Objection to inclusion.</u> This law is not "relevantly similar" to CA's magazine ban. It does not ban possession,

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			Dangerous Weapons or Explosives, or Who Has the Same in His Possession, Custody or Control, unless Such Weapon or Explosive Is Carried in the Prosecution of a Legitimate and Lawful Purpose, ch. 83, §§ 1-3, 5	sandclub, sandbag, bludgeon, metal knuckles, or any sharp or dangerous weapon, any gun, revolver, pistol, or "other dangerous fire arm," nitroglycerin, dynamite, or any other dangerous or violent explosive.	transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").
255	1917	California	1917 Cal. Stat. 221, § 1	Prohibited the manufacture, leasing, keeping for sale, offering, giving, or disposing of any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, bludgeon, metal knuckles, dirk, or dagger.	<u>Objection to inclusion.</u> This 20th-century law banning the transfer and manufacture of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i> at 2133.
256	1917	California	1917 Cal. Stat. 221, § 2	Prohibited the possession of any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, bludgeon, metal knuckles, bomb, or bombshells, and the carrying of any dirk or dagger.	<u>Objection to inclusion.</u> This 20th-century law banning the possession of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i> at 2133.

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257	1917	California	1917 Cal. Stat. 221, § 5	Prohibited the use, or carrying or possession with the intent to use, any dagger, dirk, dangerous knife, razor, stiletto, loaded pistol, revolver, or other firearm, blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, bomb, bombshell, or other “dangerous or deadly instrument or weapon.”	<p><u>Objection to inclusion.</u></p> <p>This 20th-century law banning the use of and possession with intent to use certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i>, 142 S.Ct. at 2154, n.28.</p> <p>Also, if the State’s claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA’s ban on magazines in common use for lawful purposes. <i>Id.</i> at 2133.</p>
258	1917	Missouri – City of Joplin	Joplin Code of 1917, Art. 67, § 1201.	Prohibited the carrying of a concealed firearm, Bowie knife, spring-back knife, razor, knuckles, bill, sword cane, dirk, dagger, slungshot, or other similar deadly weapons in a church, school, election site, court, or other public setting. Also prohibits using the weapon in a threatening manner, using while intoxicated, or selling to a minor.	<p><u>Objection to inclusion.</u></p> <p>This law’s carry restriction is not “relevantly similar” to CA’s magazine ban. It does not ban possession or manufacture of any arm. Instead, it regulates carry of certain arms and, even then, it only regulates <i>how</i> and <i>where</i> they are carried. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>The law’s transfer restriction is not “relevantly similar” either. It restricted only the transfer of certain arms to <i>minors</i>. It did not flatly ban possession by <i>anyone</i>, nor did not ban transfer to adults. <i>Id.</i></p> <p>The law’s intoxicated use restriction is not “relevantly similar” either. It restricted only the use of certain arms while intoxicated. It did not flatly ban possession, transfer, or manufacture of any arm. <i>Id.</i></p> <p>Further, this was not a state law, but a local law. <i>Bruen</i> rejected the notion that</p>

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					ordinances from a few cities are persuasive. <i>Id.</i> at 2156. Finally, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
259	1917	North Carolina – Harnett County	1917 N.C. Sess. Laws 309, Pub. Local Laws, An Act to Regulate the Hunting of Quail in Harnett County, ch. 209, § 1	Prohibited killing quail with a gun that shoots over two times before reloading.	<u>Objection to inclusion.</u> This 20th-century law banning the killing of quail with certain arms in a single county should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Further, this law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It merely regulates which arms may be used for hunting wild game. <i>Id.</i> at 2133. Also, if the State’s claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA’s ban on magazines in common use for lawful purposes. <i>Id.</i>
260	1917	Oregon	1917 Or. Sess. Laws 804-08, An Act Prohibiting the manufacture, sale, possession, carrying, or use of any blackjack, slungshot, billy, sandclub, sandbag, metal knuckles,	Prohibited the attempted use, or the carry and possession with the intent to use, any dagger, dirk, dangerous knife, razor, stiletto, loaded pistol, revolver, or other firearm, or any instrument or weapon of the kind commonly	<u>Objection to inclusion.</u> This 20th-century law banning the use of, attempted use of, and possession with intent to use certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State’s claim is that the arms

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			dirk, dagger or stiletto, and regulating the carrying and sale of certain firearms, and defining the duties of certain executive officers, and providing penalties for violation of the provisions of this Act, § 7	known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, bomb, bombshell, or any other “dangerous or deadly weapon.” Punishable by a fine of \$50-500 or imprisonment for 1-6 months.	subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA’s ban on magazines in common use for lawful purposes. <i>Id.</i> at 2133.
261	1923	California	1923 Cal. Stat. 695, § 1	Prohibited the manufacture, importation, keeping for sale, offering or exposing for sale, giving, lending, or possession of any instrument or weapon commonly known as a blackjack, slungshot, billy, sandclub, sandbag, metal knuckles, and the concealed carrying of any dirk or dagger. Punishable by imprisonment for 1-5 years.	<u>Objection to inclusion.</u> This 20th-century law banning the possession, transfer, and manufacture of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. The restriction on concealed carry is not “relevantly similar” because it regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Id.</i> at 2133.
262	1923	Missouri	1923 Mo. Laws 241-42, An Act to Provide the Exercise of the Police Powers of the State by and through Prohibiting the Manufacture, Possession, Transportation, Sale and Disposition of Intoxicating Liquors. . .§ 17	Prohibited the carrying, while a passenger or operating a moving vehicle, of a revolver, gun or other firearm, or explosive, any Bowie knife, or other knife having a blade of more than two and one-half inches in length, any slingshot, brass knucks, billy, club or other dangerous weapon. Punishable by imprisonment of minimum 2 years.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only applies when operating or a passenger in a moving vehicle. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it

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					can rightly bear.”).
263	1923	South Carolina	1923 S.C. Acts 221	Prohibited the selling or giving to a minor a pistol or pistol cartridge, brass knucks, Bowie knife, dirk, loaded cane or slingshot. Also prohibited a parent from giving such a weapon to their child under 12 years old. Punishable by fine up to \$50 or imprisonment up to 30 days.	<u>Objection to inclusion.</u> The law is not “relevantly similar” to CA’s magazine ban because it restricted only the transfer of certain arms to <i>minors</i> . It did not flatly ban possession by <i>anyone</i> over 12 years old, nor did not ban transfer to adults. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
264	1923	Vermont	1923 Vt. Acts and Resolves 127, An Act to Prohibit the Use of Machine Guns and Automatic Rifles in Hunting, § 1	Prohibited using, carrying, or possessing a machine gun or automatic rifle while hunting.	<u>Objection to inclusion.</u> This 20th-century law banning the possession of certain arms while hunting should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State’s claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA’s ban on magazines in common use for lawful purposes. <i>Bruen</i> , 142 S.Ct. at 2133.
265	1925		1925 Or. Laws 42, An Act Prohibiting the Placing of Spring-Guns or Set-Guns; and Providing a Penalty Therefor, ch. 31, §§ 1-2	Prohibited the setting of any loaded spring gun. Punishable by a fine of \$100-500 or imprisonment for 30 days to 6 months. Exception for setting of	<u>Objection to inclusion.</u> The law is not “relevantly similar” to CA’s magazine ban. It does not regulate the possession of any arm. It regulates only how arms are used (i.e., the setting of “spring

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				trap gun to destroy burrowing rodents.	guns” and “set guns”). And it regulates for completely different reasons than CA’s magazine ban (i.e., to prevent unintended discharges). <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
266	1925	West Virginia	1925 W.Va. Acts 25-30, 1st Extraordinary Sess., An Act to Amend and Re-Enact Section Seven . . . Relating to Offenses Against the Peace; Providing for the Granting and Revoking of Licenses and Permits Respecting the Use, Transportation and Possession of Weapons and Fire Arms. . . , ch. 3, § 7(a)	Prohibited unlicensed carrying of a pistol, dirk, Bowie knife, slungshot, razor, billy, metallic or other false knuckles, or any other dangerous or deadly weapon. Punishable by imprisonment for 6-12 months for the first offense, and for 1-5 years for subsequent offenses, and in either case, a fine of \$50-200.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, it only applies to unlicensed carry. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
267	1925	West Virginia	1925 W.Va. Acts 31-32, 1st Extraordinary Sess., An Act to Amend and Re-Enact Section Seven . . . Relating to Offenses Against the Peace . . . , ch. 3, § 7, pt. b	Prohibited publicly displaying for rent or sale any revolver, pistol, dirk, Bowie knife, slungshot, other dangerous weapon, machine gun, submachine gun, or high powered rifle. Requires dealers to keep a register. Prohibited selling, renting, giving, or	<u>Objection to inclusion.</u> This 20th-century law banning the public display of certain arms for sale or rent should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Further, this law is not “relevantly similar” to CA’s magazine ban. It did not ban

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				lending any of these weapons to an unnaturalized person.	possession by anyone, nor did not ban transfer to citizens. <i>Id.</i> at 2133. Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i>
268	1925	West Virginia	1925 W.Va. Acts 30-31, 1st Extraordinary Sess., An Act to Amend and Re-Enact Section Seven . . . Relating to Offenses Against the Peace; Providing for the Granting and Revoking of Licenses and Permits Respecting the Use, Transportation and Possession of Weapons and Fire Arms . . . , ch. 3, § 7, pt. b	Prohibited carrying, transporting, or possessing a machine gun, submachine gun, or high powered rifle except on their own premises and with a permit. Also provides guidelines for such a permit.	<u>Objection to inclusion.</u> This 20th-century law banning possession of certain arms without a permit should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. But even if the law's possession restriction were not inconsistent with earlier laws, it is not "relevantly similar" because it regulates differently that CA's flat magazine ban. The law's restriction on carry is not "relevantly similar" either because it does not ban possession, sale, or transfer of any arm. Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i> Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving post enactment history more weight than it can rightly bear.")

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269	1927	California	1927 Cal. Stat. 938, An Act to Prohibit the Possession of Machine Rifles, Machine Guns and Submachine Guns Capable of Automatically and Continuously Discharging Loaded Ammunition of any Caliber in which the Ammunition is Fed to Such Guns from or by Means of Clips, Disks, Drums, Belts or other Seperable Mechanical Device, and Providing a Penalty for Violation Thereof, ch. 552, §§ 1 2	Prohibited a person, firm, or corporation possessing a machine gun. Punishable by imprisonment up to 3 years and/or fine up to \$5,000.	<u>Objection to inclusion.</u> This 20th-century law banning possession of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i>
270	1927	Indiana	1927 Ind. Acts 469, Public Offenses—Ownership, Possession or Control of Machine Guns or Bombs—Penalty, ch. 156, § 1	Prohibited owning or possessing a machine gun or bomb in an automobile. Punishable by imprisonment for 1-5 years.	<u>Objection to inclusion.</u> This 20th-century law banning possession of certain arms in an automobile should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i>
271	1927	Indiana	1927 Ind. Acts 469, Operation of Machine Guns, Discharge of Bombs—Offense and Penalty:, ch. 156, § 2	Prohibited discharging a machine gun or bomb. Punishable by imprisonment for 2-10 years.	<u>Objection to inclusion.</u> This 20th-century law banning the discharge of certain arms should not be considered

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					because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i> at 2133.
272	1927	Iowa	927 Iowa Acts 201, An Act to prohibit the Possession or Control of Machine Guns. . . ., §§ 1 2	Prohibited possession of a machine gun.	<u>Objection to inclusion.</u> This 20th-century law banning possession of certain arms without a permit should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i>
273	1927	Maryland	1927 Md. Laws 156, § 388-B	Prohibited possession of liquor in an automobile that also carries a gun, pistol, revolver, rifle machine gun, or other dangerous or deadly weapon.	<u>Objection to inclusion.</u> This law is not "relevantly similar" to CA's magazine ban. It does not ban possession, transfer, or manufacture of any arm. It restricts only the possession of <i>liquor in an automobile</i> when one is carrying certain arms. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").

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274	1927	Massachusetts	1927 Mass. Acts 416, An Act Relative to Machine Guns and Other Firearms, ch. 326, § 5	Prohibited the carrying of a pistol, revolver, machine gun, stiletto, dagger, dirk knife, slungshot, metallic knuckles, or sawed off shotgun, billy, or dangerous weapon if arrested upon a warrant for an alleged crime. Punishable by imprisonment of 6 months to 2.5 years.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It regulates only carry of certain arms and, even then, only when arrested for an alleged crime. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
275	1927	Massachusetts	1927 Mass. Acts 413, An Act Relative to Machine Guns and Other Firearms, ch. 326, §§ 1-2 (amending §§ 121, 123)	Prohibited selling, renting, or leasing a pistol, revolver, or machine gun to a person without a license to possess the same.	<u>Objection to inclusion.</u> This 20th-century law banning transfer of certain arms (including common arms) to individuals without a permit should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State’s claim is that (at least some of the) arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA’s ban on magazines in common use for lawful purposes. <i>Id.</i>
276	1927	Michigan	1927 Mich. Pub. Acts 888-89, An Act to Regulate and License the Selling, Purchasing, Possessing and Carrying of Certain Firearms, § 3	Prohibited manufacturing, selling, or possessing a machine gun, silencer, bomb, bombshell, blackjack, slungshot, billy, metallic knuckles, sandclub,	<u>Objection to inclusion.</u> This 20th-century law banning possession, transfer, and manufacture of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28.

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				bludgeon. Punishable by fine up to \$1,000 or imprisonment.	Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i>
277	1927	Michigan	1927 Mich. Pub. Acts 888-89, An Act to Regulate and License the Selling, Purchasing, Possessing and Carrying of Certain Firearms, § 3	Prohibited manufacturing, selling, or possessing a machine gun or firearm that can be fired more than 16 times without reloading. Also Prohibited the same for a muffler or silencer. Punishable by fine of \$1,000 and/or imprisonment up to 5 years.	<u>Objection to inclusion.</u> This 20th-century law banning possession, transfer, and manufacture of certain arms without a permit should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i>
278	1927	New Jersey	1927 N.J. Laws 742, A Further Supplement to an Act Entitled, "An Act for the Punishment of Crimes," ch. 321, § 1	Prohibited a pawnbroker from selling or possessing for sale, loan, or to give away a machine gun, automatic rifle, revolver, pistol, or other firearm, or other instrument of any kind known as a blackjack, slungshot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife, stiletto, bomb or other high explosive. Punishable as a high misdemeanor.	<u>Objection to inclusion.</u> This 20th-century law banning pawnbrokers from transferring or possessing certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i>
279	1927	New Jersey	1927 N.J. Laws 180-81, A Supplement to an Act Entitled "An Act for the	Prohibited selling, giving, loaning, delivering or furnishing, or possessing a machine gun or	<u>Objection to inclusion.</u> This 20th-century law banning the transfer of certain arms to individuals without a permit

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			Punishment of Crimes,” ch. 95, §§ 1-2	automatic rifle to another person without a license.	should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA's ban on magazines in common use for lawful purposes. <i>Id.</i>
280	1927	Rhode Island	1927 (January Session) R.I. Pub. Laws 256, An Act to Regulate the Possession of Firearms: §§ 1, 4, 5, 6	Prohibited carrying a concealed pistol and Prohibited manufacturing, selling, purchasing, or possessing a machine gun.	<u>Objection to inclusion.</u> This 20th-century law banning the possession, transfer, and manufacture of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA's ban on magazines in common use for lawful purposes. <i>Id.</i> The restriction on concealed carry of pistols is not “relevantly similar” because it regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Id.</i> at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).

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281	1927	Rhode Island	1927 R. I. Pub. Laws 256, An Act to Regulate the Possession of Firearms: §§ 1, 4, 7, 8.	Prohibited carrying a concealed pistol and Prohibited manufacturing, selling, purchasing, or possessing a machine gun or silencer.	<p><u>Objection to inclusion.</u></p> <p>This 20th-century law banning the possession, transfer, and manufacture of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i>, 142 S.Ct. at 2154, n.28.</p> <p>Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i></p> <p>The restriction on concealed carry of pistols is not "relevantly similar" because it regulates only carry of certain arms and, even then, it only regulates <i>how</i> they are carried. <i>Id.</i> at 2133.</p>
282	1927	Rhode Island	1927 R.I. Pub. Laws 256, An Act to Regulate the Possession of Firearms, §§1, 3	Prohibited a person who has previously been convicted of a violent crime from owning, carrying, or possessing any firearm (including machine gun or pistol).	<p><u>Objection to inclusion.</u></p> <p>This law is not "relevantly similar" to CA's magazine ban. It does not ban the transfer or manufacture of any arm, and it only restricts possession and carry of firearms by those convicted of a violent crime. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").</p>
283	1929	Indiana	1929 Ind. Acts 139, Criminal Offenses—	Prohibited being armed with a pistol, revolver, rifle shotgun,	<p><u>Objection to inclusion.</u></p> <p>This law is not "relevantly similar" to CA's</p>

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			Commission of or Attempt to Commit Crime While Armed with Deadly Weapon, ch. 55, § 1	machine gun, or any other firearm or dangerous weapon while committing or attempting to commit a crime of rape, robbery, bank robbery, or larceny. Punishable by imprisonment for 10-20 years, in addition to the punishment for the original crime.	magazine ban. It does not ban possession, transfer, or manufacture of any arm. It restricts only the possession of certain arms while committing or attempting to commit rape, robbery, bank robbery, or larceny. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
284	1929	Michigan	1929 Mich. Pub. Acts 529, An Act to Regulate and License the Selling, Purchasing, Possessing and Carrying of Certain Firearms, § 3	Prohibited manufacturing, selling, or possessing a machine gun, silencer, bomb, bombshell, blackjack, slungshot, billy, metallic knuckles, sandclub, sandbag, bludgeon, or any gas ejecting device.	<u>Objection to inclusion.</u> This 20th-century law banning possession, transfer, and manufacture of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA's ban on magazines in common use for lawful purposes. <i>Id.</i>
285	1929	Michigan	1929 Mich. Pub. Acts 529, An Act to Regulate and License the Selling, Purchasing, Possessing and Carrying of Certain Firearms, § 3	Prohibited manufacturing, selling, or possessing a machine gun or firearm that can be fired more than 16 times without reloading. Also Prohibited the same for a muffler or silencer.	<u>Objection to inclusion.</u> This 20th-century law banning possession, transfer, and manufacture of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are “dangerous and

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					unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i>
286	1929	Missouri	1929 Mo. Laws 170, Crimes and Punishment, Prohibiting the Sale, Delivery, Transportation, Possession, or Control of Machine Rifles, Machine Guns and Sub-machine Guns, and Providing Penalty for Violation of Law, §§ 1-2	Prohibited selling, delivering, transporting, and possessing a machine gun. Punishable by imprisonment of 2-30 years and/or fine up to \$5,000.	<u>Objection to inclusion.</u> This 20th-century law banning possession, transfer, and manufacture of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i>
287	1929	Nebraska	1929 Neb. Laws 674, An Act Prohibiting the Sale, Possession and Transportation of Machine Guns within the State of Nebraska; and Prescribing Penalties for the Violation of the Provisions Hereof, ch. 190, §§ 1-2	Prohibited selling or otherwise disposing of a machine gun. Punishable by fine of \$1,000-\$10,000. Also Prohibited transporting or possessing a machine gun. Punishable by imprisonment for 1-10 years.	<u>Objection to inclusion.</u> This 20th-century law banning possession and transfer of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i>
288	1929	Pennsylvania	1929 Pa. Laws 777, An Act prohibiting the sale, giving away, transfer, purchasing, owning, possession and use of machine guns: §§1 4	Prohibited selling, giving, transferring, or possessing a machine gun. Punishable by fine up to \$1,000 and imprisonment by separate or solitary confinement at labor up to 5 years. Also Prohibited using a	<u>Objection to inclusion.</u> This 20th-century law banning possession, transfer, and manufacture of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28.

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				machine gun during an attempted crime. Punishable by separate and solitary confinement at labor for up to 10 years.	Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i> The law's ban on using a machine gun in the commission of a crime is not "relevantly similar." <i>Id.</i> at 2133.
289	1929	Pennsylvania	1929 Pa. Laws 777, An Act prohibiting the sale, giving away, transfer, purchasing, owning, possession and use of machine guns, § 3	Prohibited being armed with a machine gun while committing a crime. Punishable by imprisonment with solitary confinement up to 10 years.	<u>Objection to inclusion.</u> This law is not "relevantly similar" to CA's magazine ban. It does not ban possession, transfer, or manufacture of any arm. It restricts only the possession of certain arms while committing or attempting to commit a crime. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").
290	1929	Wisconsin	1928-1929 Wis. Sess. Laws 157, An Act to Create . . . the Statutes, Relating to Machine Guns and Providing a Penalty, ch. 132, § 1	Prohibited owning, using, or possession a machine gun. Punishable by imprisonment of 1-15 years.	<u>Objection to inclusion.</u> This 20th-century law banning possession and use of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i>

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291	1931	Delaware	1931 Del. Laws 813, An Act Making it Unlawful for any Person or Persons Other than the State Military Forces or Duly Authorized Police Departments to have a Machine Gun in his or their Possession, and Prescribing a Penalty for Same, ch. 249, § 1	Prohibited a person from possessing a machine gun. Punishable by fine and/or imprisonment.	<p><u>Objection to inclusion.</u></p> <p>This 20th-century law banning possession of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i>, 142 S.Ct. at 2154, n.28.</p> <p>Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i></p>
292	1931	Illinois	1931 Ill. Laws 452-53, An Act to Regulate the Sale, Possession and Transportation of Machine Guns, §§ 1-2	Prohibited selling, loaning, or giving away, purchasing, possessing, carrying, or transporting any machine gun.	<p><u>Objection to inclusion.</u></p> <p>This 20th-century law banning possession and transfer of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i>, 142 S.Ct. at 2154, n.28.</p> <p>Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i></p> <p>The law's restriction on carrying and transporting certain arm is not "relevantly similar" because it does not ban possession, transfer, or manufacture or any arm. <i>Id.</i></p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").</p>

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293	1931	Illinois	1931 Ill. Laws 454, An Act to Regulate the Sale, Possession and Transportation of Machine Guns, § 7	Prohibited being armed with a machine gun while committing arson, assault, burglary, kidnapping, larceny, rioting, or robbery. Punishable by imprisonment for 5 years to life.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not ban possession, transfer, or manufacture of any arm. It restricts only the possession of certain arms while engaged in arson, assault, burglary, kidnapping, larceny, rioting, or robbery. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
294	1931	Michigan	1931 Mich. Pub. Acts 671, The Michigan Penal Code, ch. 37, § 236	Prohibited the setting of any spring or trap gun.	<p><u>Objection to inclusion.</u></p> <p>The law is not “relevantly similar” to CA’s magazine ban. It does not regulate the possession of any arm. It regulates only how arms are used (i.e., the setting of “trap guns” and “spring guns”). And it regulates for completely different reasons than CA’s magazine ban (i.e., to prevent unintended discharges). <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
295	1931	New York	1931 N.Y. Laws 1033, An Act to Amend the Penal Law in Relation to	Prohibited using an imitation pistol and carrying or possessing a black-jack, slungshot, billy,	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s</p>

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			Carrying and Use of Glass Pistols, ch. 435, § 1	sandclub, sandbag, metal knuckles, bludgeon, dagger, dirk, dangerous knife, razor, stiletto, imitation pistol, machine gun, sawed off shot-gun, or any other dangerous or deadly weapon.	<p>magazine ban. It does not a flat ban on possession, transfer, or manufacture of any arm. It regulates only the use of imitation pistols “against another” and the carry and possession of certain arms with the intent to use the same unlawfully against another. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p> <p>To the extent that this 20th century law flatly prohibits any the possession of any arm in common use for lawful purposes, it should not be considered because it is not consistent with earlier laws. <i>Bruen</i>, 142 S.Ct. at 2154, n.28.</p> <p><u>Objection to description.</u></p> <p>The law was not a flat a restriction on use, possession, or carry on all the arms listed by the State. It restricted the possession and carry of certain arms only “with intent to use the same unlawfully against another” and the use of “imitation pistols” “against another.”</p> <p>The relevant language is as follows: A person who attempts to use against another an imitation pistol, or who carries or possesses any instrument or weapon of the kind commonly known as a black-jack, slungshot, billy, sand club, sandbag, metal</p>

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					knuckles, bludgeon, or who, <u>with intent to use the same unlawfully against another,</u> carries or possesses a dagger, dirk, dangerous knife, razor, stiletto, imitation pistol, machine gun, sawed off shot-gun, or any other dangerous or deadly instrument, or weapon is guilty of a misdemeanor, and if he has been previously convicted of any crime he is guilty of a felony.
296	1931	North Dakota	1931 N.D. Laws 305-06, An Act to Prohibit the Possession, Sale and Use of Machine Guns, Sub-Machine Guns, or Automatic Rifles and Defining the Same . . . , ch. 178, §§ 1-2	Prohibited selling, giving, loaning, furnishing, or delivering a machine gun, submachine gun, automatic rifle, or bomb (without a license). Punishable by imprisonment up to 10 years and/or fine up to \$3,000.	<u>Objection to inclusion.</u> This 20th-century law banning the use of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i>
297	1931	South Carolina	1931 S.C. Acts 78, An Act Declaring it unlawful for any person, firm, or corporation to place a loaded trap gun, spring gun, or any like devise in any building, or in any place, and providing punishment for the violation thereof: § 1	Prohibited the setting of any loaded trap gun or spring gun. Punishable by a fine of \$100-500 or imprisonment of 30 days to 1 year.	<u>Objection to inclusion.</u> The law is not "relevantly similar" to CA's magazine ban. It does not regulate the possession of any arm. It regulates only how arms are used (i.e., the setting of "trap guns" and "spring guns"). And it regulates for completely different reasons than CA's magazine ban (i.e., to prevent unintended discharges). <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> ,

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
					142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
298	1932	District of Columbia	District of Columbia 1932: 1932, Public-No. 275-72D Congress, ch. 465	Prohibited being armed with or having readily available any pistol or other firearm while committing a violent crime. In addition to being punished for the crime, will also be punished with imprisonment (various terms depending on the number of previous convictions). Additionally, Prohibited people convicted of violent crimes from owning or possessing a pistol. Prohibited carrying a concealed deadly or dangerous weapon. Regulates the sale and transfer of pistols.	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not ban the possession, transfer, or manufacture of any arm. Instead, it bans the possession of firearms only while committing a violent crime and by those convicted of violent crimes. And it merely regulates, but does not ban, the transfer of pistols. <i>Bruen</i> , 142 S.Ct. 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
299	1932	Louisiana	1932 La. Acts 337-38, An Act to Regulate the Sale, Possession and Transportation of Machine Guns, and Providing a Penalty for a Violation Hereof . . . , §§ 1 2	Prohibited selling, loaning, giving, purchasing, possession, carrying, or transporting a machine gun.	<u>Objection to inclusion.</u> This 20th-century law banning possession and transfer of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State’s claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA’s ban on magazines in common use for lawful purposes. <i>Id.</i>
300	1933	California	1933 Cal. Stat. 1169	Prohibited a person, firm, or corporation from selling, possessing or transporting a	<u>Objection to inclusion.</u>

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Defendant's Survey of Relevant Statutes (Pre-Founding – 1888)

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
				machine gun. Punishable by imprisonment up to 3 years and/or fine up to \$5,000.	This 20th-century law banning possession and transfer of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i>
301	1933	Florida	1933 Fla. Laws 623, An Act to Prevent Throwing of Bombs and the Discharge of Machine Guns Upon, or Across Any Public Road in the State of Florida . . . , ch. 16111, § 1	Prohibited throwing a bomb or shooting a machine gun across or along a street or highway, any public park or place where people assemble with the intent to do bodily harm. Punishable by death.	<u>Objection to inclusion.</u> This law is not "relevantly similar" to CA's magazine ban. It does not ban possession, transfer, or manufacture of any arm. It merely bans shooting or throwing certain projectiles at vehicles with the intent to do bodily harm. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against "giving postenactment history more weight than it can rightly bear.").
302	1933	Hawaii	1933 Haw. Special Sess. Laws 117, An Act . . . Regulating The Sale, Transfer And Possession Of Certain Firearms, Tear Gas And Ammunition: § 2	Prohibited a person, firm, or corporation from owning, possessing, selling, or transporting a machine gun, shell cartridge, or bomb containing or capable of emitting tear gas or other noxious gas.	<u>Objection to inclusion.</u> This 20th-century law banning possession and transfer of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
					for lawful purposes. <i>Id.</i>
303	1933	Kansas	1933 Kan. Sess. Laws 76, An Act Relating to Machine Guns and Other Firearms Making the Transportation or Possession Thereof Unlawful in Certain Cases, Providing for Search, Seizure and Confiscation Thereof in Certain Cases, Relating to the Ownership and Registration of Certain Firearms, and Providing Penalties for the Violation of this Act, ch. 62, §§ 1-3	Prohibited possession of a machine rifle, machine gun, or submachine gun.	<u>Objection to inclusion.</u> This 20th-century law banning possession of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i>
304	1933	Minnesota	1933 Minn. Laws 231-33, An Act Making It Unlawful to Use, Own, Possess, Sell, Control or Transport a "Machine Gun", as Hereinafter Defined, and Providing a Penalty for the Violation Thereof, ch. 190, §§ 1-3	Prohibited owning, controlling, using, possessing, selling, or transporting a machine gun.	<u>Objection to inclusion.</u> This 20th-century law banning possession and transfer of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State's claim is that the arms subject to this law are "dangerous and unusual," the law is not "relevantly similar" to CA's ban on magazines in common use for lawful purposes. <i>Id.</i>
305	1933	New York	1933 N.Y. Laws 1639, An Act to Amend the Penal Law, in Relation to the Sale, Possession and Use of Sub-Machine Guns, ch. 805, §§ 1, 3	Prohibited selling, giving, disposing of, transporting, or possessing a machine gun or submachine gun to a person guilty of a felony.	<u>Objection to inclusion.</u> The law is not "relevantly similar" to CA's magazine ban because it restricted only the possession and transfer of certain arms to convicted felons. It did not ban possession by

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
					<p>or transfer to law-abiding citizens. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
306	1933	Ohio	1933 Ohio Laws 189-90, Reg. Sess., An Act. . . Relative to the Sale and Possession of Machine Guns, § 1	Prohibited owning, possessing, and transporting a machine gun, light machine gun, or submachine gun without a permit. Punishable by imprisonment of 1-10 years.	<p><u>Objection to inclusion.</u></p> <p>This 20th-century law banning possession of certain arms without a permit should not be considered because it is not consistent with earlier laws. <i>Bruen</i>, 142 S.Ct. at 2154, n.28.</p> <p>Also, if the State’s claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA’s ban on magazines in common use for lawful purposes. <i>Id.</i></p>
307	1933	Oregon	1933 Or. Laws 489, An Act to Amend Sections 72-201, 72-202, 72-207, Oregon Code 1930, ch. 315, §§ 3-4	Prohibited possession of a machine gun. Also Prohibited carrying a concealed machine gun, pistol, revolver, or other firearm.	<p><u>Objection to inclusion.</u></p> <p>This 20th-century law banning the possession of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i>, 142 S.Ct. at 2154, n.28.</p> <p>Also, if the State’s claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA’s ban on magazines in common use for lawful purposes. <i>Id.</i></p> <p>The law’s restriction on concealed carry is not “relevantly similar” because it regulates only carry of certain arms and, even then, it</p>

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Defendant's Survey of Relevant Statutes (Pre-Founding – 1888)**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
					only regulates <i>how</i> they are carried. <i>Id.</i> at 2133.
308	1933	Oregon	1933 Or. Laws 488, An Act to Amend Sections 72-201, 72-202, 72-207, Oregon Code 1930, § 2	Prohibited a unnaturalized person and person convicted of a felony against another person or the government from owning or possessing a pistol, revolver, other firearm, or machine gun. Punishable by imprisonment for 1-5 years.	<p><u>Objection to inclusion.</u></p> <p>The law is not “relevantly similar” to CA’s magazine ban because it restricted only the possession of certain arms by convicted felons and unnaturalized persons. It did not flatly ban possession by law-abiding citizens. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
309	1933	South Dakota	1933 S.D. Sess. Laws 245-47, An Act Relating to Machine Guns, and to Make Uniform the Law with Reference Thereto, ch. 206, §§ 1-8	Prohibited possession of a machine gun during a violent crime. Punishable by imprisonment up to 15 years. Prohibited using a machine gun offensively or aggressively; punishable by imprisonment up to 15 years. Requires manufacturers to keep a register of machine guns and for owners to converted their machine guns to pistols to register the weapon.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not flatly ban possession, transfer, or manufacture of any arm. It restricts only the possession or use of a machine gun when engaged in or attempting to engage in murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, or larceny. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>The law’s recordkeeping and registration requirements are not “relevantly similar” either. <i>Id.</i> They do not ban the possession, transfer, or manufacture of any arm.</p>

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Defendant’s Survey of Relevant Statutes (Pre-Founding – 1888)**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs’ Position
					Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; see also <i>Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).
310	1933	Texas	1933 Tex. Gen. Laws 219-20, 1st Called Sess., An Act Defining “Machine Gun” and “Person”; Making It an Offense to Possess or Use Machine Guns. . . , ch. 82, §§ 1-4, 6	Prohibited possession of a machine gun; punishable by imprisonment up to 10 years. Prohibited selling, leasing, giving, bartering, exchanging, or trading a machine gun; punishable by imprisonment for 2 months to 10 years.	<u>Objection to inclusion.</u> This 20th-century law banning possession and transfer of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State’s claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA’s ban on magazines in common use for lawful purposes. <i>Id.</i>
311	1933	Washington	1933 Wash. Sess. Laws 335-36, An Act Relating to Machine Guns, Regulating the Manufacture, Possession, Sale of Machine Guns and Parts, and Providing Penalty for the Violation Thereof, and Declaring an Emergency, ch. 64, §§ 1-5	Prohibited manufacturing, owning, buying, selling, loaning, furnishing, transporting, or possessing a machine gun.	<u>Objection to inclusion.</u> This 20th-century law banning possession, transfer, and manufacture of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State’s claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA’s ban on magazines in common use for lawful purposes. <i>Id.</i>
312	1934	New Jersey	1934 N.J. Laws 394-95, A Further Supplement to an Act Entitled “An Act for	Declares a person who possesses a machine gun or submachine gun a “gangster” and therefore, enemy of the state. Also	<u>Objection to inclusion.</u> This 20th-century law declaring any person who possesses certain arms to be a “gangster” should not be considered because

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Defendant's Survey of Relevant Statutes (Pre-Founding – 1888)**

No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
			the Punishment of Crimes,” ch. 155, §§ 1-5	declares a person who carries a deadly weapon without a permit a “gangster.” If convicted a “gangster,” punishable by fine up to \$10,000 and/or imprisonment up to 20 years.	it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State’s claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA’s ban on magazines in common use for lawful purposes. <i>Id.</i> Further, the law is not “relevantly similar” to CA’s magazine ban. <i>Id.</i> at 2133.
313	1934	South Carolina	1934 S.C. Acts 1288, An Act regulating the use and possession of Machine Guns: §§ 1 to 6	Prohibited transporting, possessing, selling, renting, or giving a firearm or machine gun. Punishable by fine up to \$1,000 and imprisonment with solitary confinement up to 20 years.	<u>Objection to inclusion.</u> This 20th-century law banning possession, transfer, and manufacture of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i> , 142 S.Ct. at 2154, n.28. Also, if the State’s claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA’s ban on magazines in common use for lawful purposes. <i>Id.</i>
314	1934	Virginia	1934 Va. Acts 137-39, An Act to define the term “machine gun”; to declare the use and possession of a machine gun for certain purposes a crime and to prescribe the punishment therefor, ch. 96, §§ 1-7	Prohibited possession or use of a machine gun during a violent crime; punishable by death or imprisonment for a minimum of 20 years. Prohibited unlawful possession or use of a machine gun for offensive or aggressive purposes; punishable by imprisonment for a minimum of 10 years. Requires	<u>Objection to inclusion.</u> This law is not “relevantly similar” to CA’s magazine ban. It does not flatly ban possession, transfer, or manufacture of any arm. It restricts only the possession and use of certain arms while engaged in illegal activity. <i>Bruen</i> , 142 S.Ct. at 2133. Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i> , 554 U.S. at 634-635; <i>see also Bruen</i> , 142 S.Ct. at 2136 (cautioning against “giving

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No.	Year of Enactment	Jurisdiction	Citation	Description of Regulation	Plaintiffs' Position
				manufacturers to keep a register of machine guns.	postenactment history more weight than it can rightly bear.”).
315	1931-1933	Wisconsin	1931-1933 Wis. Sess. Laws 245-47, An Act . . . Relating to Machine Guns and to Make Uniform the Law with Reference Thereto, ch. 76, § 1, pt. 164.01-164.06	Prohibited using or possessing a machine gun during an attempted violent crime; punishable by imprisonment of minimum 20 years. Prohibited use of a machine gun for offensive or aggressive purposes; punishable by imprisonment of minimum 10 years.	<p><u>Objection to inclusion.</u></p> <p>This law is not “relevantly similar” to CA’s magazine ban. It does not flatly ban possession, transfer, or manufacture of any arm. It restricts only the possession and use of certain arms while engaged in or attempting to engage in violent illegal activity. <i>Bruen</i>, 142 S.Ct. at 2133.</p> <p>Further, the law was adopted too long after the Founding to be afforded much weight <i>Heller</i>, 554 U.S. at 634-635; <i>see also Bruen</i>, 142 S.Ct. at 2136 (cautioning against “giving postenactment history more weight than it can rightly bear.”).</p>
316	1931-1933	Wisconsin	1931-1933 Wis. Sess. Laws 778, An Act . . . Relating to the Sale, Possession, Transportation and Use of Machine Guns and Other Weapons in Certain Cases, and Providing a Penalty, ch. 359, § 1	Prohibited selling, possessing, using, or transporting a machine gun, automatic firearm, bomb, hand grenade, projectile, shell, or other container that can contain tear or other gas. Punishable by imprisonment for 1-3 years.	<p><u>Objection to inclusion.</u></p> <p>This 20th-century law banning possession and transfer of certain arms should not be considered because it is not consistent with earlier laws. <i>Bruen</i>, 142 S.Ct. at 2154, n.28.</p> <p>Also, if the State’s claim is that the arms subject to this law are “dangerous and unusual,” the law is not “relevantly similar” to CA’s ban on magazines in common use for lawful purposes. <i>Id.</i></p>

ORIGINAL

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE
ROGER T. BENITEZ, DISTRICT JUDGE PRESIDING

VIRGINIA DUNCAN, et al.,) Case No: 3:17-cv-01017-BEN-JLB
)
Plaintiffs,) Motion Hearings
) Department 5A
v.)
) Date: 12/12/2022
ROB BONTA, in his official)
capacity as attorney general)
of the State of California)
)
Defendants.)
)

KIM RHODE, et al.,) Case No: 3:18-cv-00802-BEN-JLB
)
Plaintiffs,)
)
v.)
)
ROB BONTA, in his official)
capacity as attorney general)
of the State of California,)
)
Defendants.)

JAMES MILLER, et al.,) Case No: 3:19-cv-01537-BEN-JLB
)
Plaintiffs,)
)
v.)
)
CALIFORNIA ATTORNEY GENERAL)
ROB BONTA, et al.,)
)
Defendants.)

--- caption continued on the following page ---

1
2 RUSSELL FOUTS, et al.,) Case No: 3:19-cv-01662-BEN-JBL
3 Plaintiffs,)
4 v.)
5 ROB BONTA, in his official)
6 capacity as attorney general)
7 of the State of California.)
8 Defendants.)

9 **REPORTER'S TRANSCRIPT OF PROCEEDINGS**

10 Pages 1 through 51

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21 **--- appearances continued on the following page ---**

22 REPORTED BY: Abigail R. Torres, CSR, RPR/RMR, FCRR
23 CSR No. 13700
24 United States District Court
25 Southern District of California
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--- appearances continued on the following page ---

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SAN DIEGO, CALIFORNIA; MONDAY, DECEMBER 12, 2022; 10:38 A.M.

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THE COURT: Good morning.

THE CLERK: Calling 1, 2, 3, and 4 on calendar.

One, 17-cv-1017, *Duncan, et al., v. Becerra, et al.*

Two, 18-cv-0802, *Rhode, et al., v. Becerra, et al.*

Three, 19-cv-1537, *Miller, et al., v. Becerra, et al.*

Four, 19-cv-1662, *Fouts, et al., v. Becerra, et al.*

All set for status conference.

THE COURT: All right, Counsel. Thank you for being here this morning. Let's start with the Plaintiff.

If you would please identify yourself. Please speak slowly, clearly, so that my court reporter can take down your names and so that I can, hopefully, do justice to them. Okay?

MS. BARVIR: Thank you, Your Honor.

Anna Barvir, B-a-r-v-i-r, for Plaintiff Virginia Duncan, et al.

THE COURT: All right.

MR. BRADY: Good morning, Your Honor.

Sean Brady, S-e-a-n, B-r-a-d-y, on behalf of the Plaintiffs.

MR. MOROS: Good morning, Your Honor.

Konstadinos Moros on behalf of the Plaintiffs. That's K-o-n-s-t-a-d-i-n-o-s. And last name is Moros, M-o-r-o-s.

THE COURT: Okay. And for the State?

1 MR. O'BRIEN: Good morning, Your Honor.

2 Deputy Attorney General Anthony O'Brien,
3 A-n-t-h-o-n-y; O, apostrophe, B-r-i-e-n, on behalf of the
4 Attorney General and the Fouts and Rhode matter.

5 THE COURT: Okay.

6 MR. KELLY: Your Honor, excuse me. I'm also
7 appearing -- I'm appearing on behalf of the State and the
8 Attorney General in the Duncan and Miller matters.

9 My name is Kevin Kelly. K-e-v-i-n. Kelly, K-e-l-l-y.
10 Deputy Attorney General. Thank you.

11 THE COURT: I'm sorry. You're on Duncan and Miller?

12 MR. KELLY: Correct, Your Honor.

13 THE COURT: Okay. Boy, I hope I can keep all this
14 straight. Okay.

15 MR. BECKINGTON: Good morning, Your Honor.

16 Mark Beckington, B-e-c-k-i-n-g-t-o-n. I'm joining
17 Mr. O'Brien and Mr. Kelly on all four cases.

18 THE COURT: I'm sorry?

19 MR. BECKINGTON: I'm joining Mr. Kelly and Mr. O'Brien
20 on all four of the cases.

21 THE COURT: On all four. I remember you from the
22 Miller case.

23 MR. BECKINGTON: Yes, Your Honor.

24 THE COURT: Yeah. Okay. Great.

25 All right. All right. Let's see Plaintiff in the

1 Rhode case.

2 MR. BRADY: Your Honor, Sean Brady on behalf of the
3 Plaintiffs on Rhode.

4 MS. BARVIR: Anna Barvir on behalf of the Plaintiffs
5 and Rhode as well.

6 THE COURT: All right. And on the Fouts matter?

7 MR. STAMBOULIEH: Steven Stamboulieh,
8 S-t-a-m-b-o-u-l-i-e-h, for Plaintiff Fouts.

9 THE COURT: I'm sorry. Just a second.
10 Can you repeat your last name again for me, please?
11 MR. STAMBOULIEH: Stamboulieh, S-t-a-m-b-o-u-l-i-e-h.

12 MR. BECK: Alan Beck on behalf of the Plaintiffs.
13 A-l-a-n. Last name B-e-c-k, sir.

14 THE COURT: Okay. Have I missed anyone?

15 MR. DILLON: Your Honor, this is John Dillon appearing
16 on behalf of the Plaintiffs for the Millers and --

17 THE COURT: I'm sorry. For Miller?

18 MR. DILLON: Yes.

19 THE COURT: And?

20 MR. DILLON: John Dillon.

21 THE COURT: Just on the Miller case?

22 MR. DILLON: Yeah, just for Miller.

23 THE COURT: All right. Have I missed anyone?

24 Okay. Well, thank you so much for being here this
25 morning. The reason why I called the status conference -- and

1 I called all these cases at the same time -- is because, you
2 know, a great deal of my life over the last few years has been
3 devoted to dealing with these Second Amendment cases.

4 As you probably know, I have four of these cases and
5 recently inherited the fee-shifting case from two other judges.
6 And I've spent an awful lot of time, an awful lot of time, and
7 read an awful lot of material and heard testimony on some of
8 these -- at least one of these cases, anyway.

9 And so I thought that, given the fact that these cases
10 have been returned to me following the Bruen opinion, that I
11 didn't want to duplicate effort. First of all, my time, as I'm
12 sure your time, my law clerk's time is valuable.

13 And so I thought that perhaps there was some way that
14 we could approach a joint methodology for dealing with all of
15 these cases, essentially, at one time and in one -- in one way.
16 So my understanding of -- of Heller, is that Heller has not
17 changed. It has not been overruled. It is still good law.

18 Bruen, the Bruen opinion, I believe, discarded the
19 intermediate scrutiny test that I also thought was not very
20 useful; and has, instead, replaced it with a text history and
21 tradition test. Now, the text history and tradition issue is
22 pretty much common, I think, to all of these cases.

23 There may be some nuance as to whether, for example,
24 in some case the -- the history and tradition may effect
25 ammunition. In another case, it may effect the type of weapon,

1 for example, whether it's a rifle or a dirk or a dagger. But
2 in the end, it's the same. We're basically looking at the same
3 body of history and tradition that we're going to be looking at
4 in all of the cases.

5 So I have an idea of how this case ought to go
6 forward, and I'll tell you what I would like to have -- by the
7 way, I might add, I'm not sure, Mr. O'Brien, whether you filed
8 the supplemental brief in the Fouts case. I'm not sure who
9 filed that.

10 MR. O'BRIEN: Yes, Your Honor, I did.

11 THE COURT: All right. Well, let me compliment you on
12 that, because one of the things that I thought you did that I
13 really appreciated was you filed several declarations. One of
14 those declarations did a historical analysis of several rules,
15 laws, regulations, and so on and so forth, all of which I have
16 read, I might add. So --

17 You can sit down.

18 -- I found that to be very, very helpful.

19 But I would like to ask you folks to do something a
20 little bit different; very similar. But I don't have the
21 staff. I don't have, really, the resources to do this, at
22 least not to do it in a timely fashion.

23 So I thought that I would ask you to do something for
24 me, which is to, essentially, do a similar survey as,
25 Mr. O'Brien, you did in the -- in the Fouts case.

1 And I would like that survey, if you would. I mean,
2 I'm sure you all have access to Excel spreadsheets and so on.
3 But I'd like to see a survey that does the following for me:
4 First of all, on a chronological bases, starting with date, the
5 date of any law, regulation, ordinance, restriction. And I'm
6 going to refer to those from now on as "restrictions." Okay.
7 Generically, okay, restriction or regulation. Okay.

8 So if you could start out chronologically, if you
9 would give me the date, and then if you would tell me what was
10 it that was restricted. So, for example, in many of those
11 regulations, they regulate dirks, daggers, metal knuckles. In
12 some cases, it might be storage of gunpowder or cartridges.
13 Some of them, some of these, are "use" regulations. In other
14 words, you cannot use these while committing a crime. You
15 cannot use them while breaking and entering into somebody's
16 property. You cannot display them in anger.

17 So what is it exactly that the law or the regulation
18 restricted? What type of weapon? What was the weapon that was
19 being restricted? Was it a knife? a Bowie knife? a stiletto?
20 metal knuckles? pistols? rifles? Then I would like to know
21 whether or not that statute was repealed and, if it was
22 repealed, what was repealed by, and was it replaced by
23 something else? And if so, if you would do the same analysis?
24 Again, continuing a chronological order. Right?

25 And then, finally, whether or not that regulation or

1 restriction was reviewed by court or courts? And if so, what
2 was the -- what was the outcome? For example, was it found to
3 be unconstitutional, or was it found to be constitutional? And
4 if you'll give me a citation so that I can then go and look at
5 the cases and see what the cases say.

6 I think -- so to pose an example, I think there are
7 one or two regulations that I have found that restricted --
8 specifically restricted billies. Okay. So in the Fouts case, I
9 think that would be particularly relevant. I think I found one
10 or two that restricted rifles and shotguns. I think I found
11 one or two that restrict certain ammunition, cartridges.
12 Right. I think I found one that restricts a weapon that can
13 fire more than 16 or 18 rounds. And I found one that dealt
14 with machine guns and automatic rifles.

15 You see, that's the sort of thing that I've read
16 through that I've captured, but I can't really capture it in a
17 way that I think that the Supreme Court would like us to do it,
18 which is a chronological order, so that we can determine what
19 regulations, what tradition exists with regards to restrictions
20 at the adoption of the Second Amendment; and then I think,
21 secondarily, at the time that the Fourteenth Amendment was
22 adopted.

23 I think with that body of information, I think this
24 Court would be in a much better position to make a decision as
25 to what to do in each one of these cases.

1 So the cases have been sent back to me, given the
2 Bruen opinion, and I'm now going to attempt to deal with them,
3 but I don't want to have to deal and read the same stuff over
4 and over and over again, because I've already read some of it
5 twice. And, frankly, there's a lot of material there. I don't
6 know how many boxes of five-inch binders I have, but it's a
7 lot, and I have only so much time.

8 So I would suggest both sides, if you can, please do
9 that for me. Okay. And I think that would be very helpful.

10 Now, as far as actually setting a hearing to -- to
11 hear your arguments on these, I don't think there's any use in
12 taking any evidence, meaning testimony, from anyone in any of
13 these cases.

14 I mean, the history and tradition is what it is. I
15 don't need, you know, Mr. Spitzer or Mr. Cornell to tell me
16 what his view of the history and tradition is. I see no point
17 in that; nor do I think any additional discovery is necessary
18 or additional expert work is necessary. So, anyway, that's
19 my -- that's my initial thought on this case.

20 If anyone has any suggestions on how we can go about
21 proceeding with these cases, I would love to hear your views.
22 I may not adopt your suggestion, but I'll certainly consider
23 it. So if -- if anybody wants to address what I have said, or
24 anything else on how we proceed with these cases, please feel
25 free to speak up.

1 Maybe we'll start with Duncan, since it was the first
2 case that I dealt with.

3 So do you have anything you want to add?

4 MS. BARVIR: Should I move here?

5 THE COURT: Yeah. Whatever. If you feel comfortable
6 there at the table, that's fine.

7 MS. BARVIR: Again, Anna Barvir for Plaintiff Virginia
8 Duncan.

9 Thank you, Your Honor, for your thoughtful
10 consideration of all four matters. I'm sorry. I'm -- we've
11 heard what -- that Your Honor is asking for from each party. I
12 think that makes a lot of sense, though I do want to, I think,
13 perhaps, focus the Court a little bit on what Plaintiffs' view
14 as the kind of proper way of reviewing this case. And in our
15 position, it doesn't really rely on -- it actually shouldn't
16 rely, and it might be improper to rely on the sorts of -- even
17 the laws that Your Honor is referencing in this survey and/or
18 spreadsheet that we were talking about just now.

19 It is our position that Heller already tells -- Your
20 Honor, tells all of us how to analyze this. The -- this is an
21 arms banned possession case. So the Heller court then, backed
22 up by the decision in Bruen, already handled that entire
23 analysis. The analysis starts with --

24 THE COURT: But if that were so, why would the Ninth
25 Circuit have kicked it back to me? I mean, I agree with you in

1 concept, but, you know, the Ninth Circuit kicked it back to me,
2 so...

3 MS. BARVIR: Excuse me. I think that's a good
4 question, and perhaps that's why Your Honor is, I think,
5 intelligent, smart to ask the parties to do what we're doing.
6 But I think that -- excuse me -- the Ninth Circuit also has a
7 lot of these -- had a lot of these cases before it. And,
8 obviously, all of the pro Second Amendment cases had gone up to
9 en banc, and perhaps the Court wasn't willing to handle those
10 at that point.

11 I'm not trying to cast aspersions, but I think we can
12 all kind of agree that we've seen a lot of decisions that are
13 not upholding lower-court decisions that strike California
14 state laws, gun control laws, just overturned.

15 So perhaps they'd like to see that Your Honor do some
16 more work on this case, but I don't think it requires --

17 THE COURT: Would you like some water?

18 MS. BARVIR: Yes.

19 I don't think that that requires us to do a new
20 analysis of all the history that's out there. The Heller court
21 was very -- had done a very detailed deep dive into all of the
22 historical laws that are banning possession of arms and other
23 types of gun control laws since the Founding and before.

24 And it found that the test is if it's -- excuse me --
25 that the only time the State can lawfully ban a firearm or

1 other type of arm that is protected by the Second Amendment is
2 if it's dangerous and unusual. The flip side being, typically
3 possessed by law-abiding citizens for lawful purposes or
4 other -- we've also heard it called the "common use" test. And
5 so that test came out of the Court's analysis of the history
6 and tradition.

7 So if the Court -- so the question that really is
8 posed -- that Duncan poses this Court today, is whether or not
9 magazines, and maybe more specifically magazines capable of
10 holding more than ten rounds, are protected arms, bearable
11 arms, under the Second Amendment's text.

12 And then, secondly, if there -- excuse me --
13 otherwise, if there's a longstanding tradition, meaning are
14 they dangerous and unusual. And this Court has already found
15 that -- I mean, we have a really large record showing that
16 they're not dangerous and unusual. And several courts have
17 agreed with that finding both in the Ninth Circuit and other
18 circuits have found it or they have been willing to accept it.
19 And I don't think that Heller or -- I mean, I'm sorry -- I do
20 not think Bruen changed that outcome.

21 So that's what we would like Your Honor to consider
22 and to look at and perhaps think about when we are doing this
23 search for more historical restrictions.

24 THE COURT: Let me ask you a question that I think has
25 troubled me somewhat. So I think facts matter. And in

1 certain -- and in cases -- every case, there are parties that
2 have greater access to evidence than others. Right. And at
3 least in California, we have a presumption, for example, that
4 when a party has the largest body of evidence but fails to
5 present it, there's a presumption that if the evidence were to
6 be considered by the Court, that the presumption would be that
7 the party who has a greater body of evidence, that it would be
8 held against him.

9 Now, one of the things that I'm concerned about, for
10 example, is I just read someone said, "There's no evidence that
11 a homeowner has ever fired more than ten rounds in defense."
12 And I kind of think that that's -- I mean, I think probably the
13 best evidence of that would be the State. The State would have
14 the investigative reports, police reports, and so on, to
15 explain that.

16 But I wonder if you agree with that statement, that
17 there are no cases where a homeowner or a business owner has
18 ever fired more than ten rounds in defense. And if so, and if
19 that's the case, have you provided the Court with any
20 information to support that?

21 MS. BARVIR: I don't -- I don't, standing here, know
22 that that's true. I think that part of that is -- it's a kind
23 of a false thing to do when you're limited to that number,
24 anyway, but also --

25 THE COURT: I understand you. I understand -- I hear

1 you. I hear you. But I -- particularly in the Miller case, I
2 took issue with Ms. Alan's -- Ms. Alan's analysis. And then I
3 think I read something recently -- I can't recall which court
4 it was -- but somebody said, "Oh, there's no evidence that a
5 homeowner has fired more than ten rounds."

6 And defense -- and of course all that anyone has to do
7 is go on the Internet and do a cursory search and find out that
8 that's not true.

9 MS. BARVIR: Right.

10 THE COURT: And I wonder if you've done that.

11 MS. BARVIR: I think when we were here on MSJ -- and
12 that's why we had this conversation several years ago.

13 THE COURT: You know, I'm sorry. But as I said, I
14 have four of these, and if I get you all confused with one
15 another, please forgive me. You know, I'm not as young as I
16 used to be, so...

17 MS. BARVIR: None of us are.

18 When we were here on MSJ, I think we had this
19 conversation as well. And a lot of times that was coming
20 from -- you know, from Plaintiffs' side was coming from, I
21 guess you could say, anecdotal news stories. Because we don't
22 -- we aren't the State. We don't have access to those same
23 sorts of records.

24 I don't think that it's true that that's never
25 happened. That there's no evidence that it's ever happened.

1 But, again, even if it never happened, which I find
2 extraordinarily hard to believe -- the police do it all the
3 time -- it's not a relevant matter because the test --

4 THE COURT: Yeah, I know.

5 MS. BARVIR: -- for common use is typically
6 possession.

7 THE COURT: I heard you. I know that. But I was just
8 wondering if you agreed with that statement that there's no
9 evidence that the homeowner has ever fired more than ten
10 rounds, and just wanted to pick your brain on that.

11 Okay. I distracted you.

12 MS. BARVIR: That's okay. I have nothing more to add.

13 THE COURT: Okay. Great.

14 MS. BARVIR: So thank you for your time.

15 THE COURT: Sometimes -- sometimes less is more.
16 Okay.

17 Anyone else? No one else? Gee, I'm so glad.

18 MR. KELLY: Your Honor, could I be heard?

19 THE COURT: No. Sorry. I've heard all I need to
20 hear.

21 No. Go ahead.

22 MR. KELLY: So the State would like to renew its
23 request for an addition discovery period, not a lengthy
24 discovery period in this action. Just a three-month is all we
25 would ask for.

1 THE COURT: Tell me why.

2 MR. KELLY: Sorry, Your Honor?

3 THE COURT: Tell me why.

4 MR. KELLY: There's two reasons: First of all, this
5 is a brand-new area of law, and it's a brand new area of
6 historical analysis. And a three-month period would give our
7 experts more time to actually look into this. I think we
8 submitted a declaration from Professor Schrag, who details the
9 types of work that is required of historians when they approach
10 an issue like this.

11 And, also, Professor Cornell in his declaration also
12 said that, "This work is still ongoing, and we did our level
13 best" --

14 THE COURT: What happens in three months when the work
15 stops? What's the -- what's the miracle? Was the miracle
16 pertinent? Drops down in three months and work stops?

17 MR. KELLY: Well, Your Honor, obviously, I can't
18 represent that new evidence will be found, but that's also
19 because I don't know what I don't know, at this point, and
20 neither do our experts.

21 So we would, again, renew our request for an
22 additional discovery period followed by supplemental briefing.

23 And -- excuse me -- I had another point to make on
24 that.

25 THE COURT: Okay. Go ahead.

1 MR. KELLY: So we would also want an opportunity for
2 our experts to examine the evidence, the new evidence that the
3 plaintiffs included in their response to our supplemental
4 briefing. And that would also give our experts a chance to do
5 so, and then --

6 THE COURT: So give me an example.

7 MR. KELLY: So I will give -- one moment, Your Honor.

8 So the Plaintiffs brought or included a declaration
9 from Ashley Hlebinsky, who claimed that "repeating rifles were
10 not commonly owned in the nineteenth century," presumably in
11 response to our declaration from Professor Vorenberg.

12 THE COURT: I'm sorry. They said "they were not"?

13 MR. KELLY: They were not commonly owned in the
14 nineteenth century.

15 THE COURT: She says they were not.

16 MR. DILLON: No.

17 THE COURT: No. I think you're wrong. I think you're
18 opposite. I think she says --

19 MR. KELLY: Opposing counsel will correct me if I'm
20 wrong.

21 THE COURT: Yeah, I think you're wrong. I think she
22 said the opposite.

23 MR. DILLON: I don't believe that's the case that she
24 said they were not.

25 (Court reporter interruption.)

1 MR. DILLON: John Dillon on behalf of the Miller
2 defendants.

3 THE COURT: Yeah. So she said they were commonly
4 owned.

5 MR. DILLON: Yeah.

6 THE COURT: So the Model 94 Winchester --

7 MR. DILLON: She was rebutting Dr. Saul Cornell's
8 statement that these guns were, in fact, not common. That's
9 what his testimony was, Your Honor.

10 THE COURT: All you got to do, if you look at
11 Professor Cornell's declarations and you look at the website
12 that he refers to -- to Winchester -- to the Winchester
13 company, if you look at that website, you see that, in fact,
14 they were commonly owned.

15 So, I mean, what are you going to do? You going to --

16 MR. KELLY: Your Honor, if --

17 THE COURT: How are you going to -- I mean, if you
18 look at Mr. Vorenberg's declaration, and you look at -- for
19 example, as I sit here right now, I can recall one instance
20 that he talks about where two miners were mining for borax.

21 Do you recall the incidents?

22 MR. KELLY: Sorry. Do I recall the incidents, Your
23 Honor?

24 THE COURT: Yeah.

25 MR. KELLY: I do not, no.

1 THE COURT: Okay. So two miners were mining for
2 borax. And I can't recall whether it was Montana or Wyoming or
3 Nebraska, or whatever. These are just two miners, two common
4 folks that were miners for miners -- I mean, mining for borax,
5 and they're attacked by a band of 40 Indians. And these two
6 miners happen to have Henry rifles, and they were able to
7 defeat the 40 Indians that were attacking them.

8 So the point -- the point was, if you look at Mr. --
9 Professor Cornell's -- if you look at Professor Vorenberg's
10 materials, which I have looked at, you see that the statement
11 that they were not commonly owned is just not true.

12 For example, there's a statement in there about how
13 after the Civil War many of the -- of the soldiers, when they
14 were released from duty, were, in fact, allowed to buy the
15 repeating rifles and took the repeating rifles home.

16 And you can do the statistical analysis, by the way,
17 which I sat down and did because maybe I have too much time on
18 my hands. But there was an awful lot of those weapons that
19 wound up in civilian hands.

20 So, I mean, the evidence is there. You can call, I
21 suppose, this person for a deposition and take her deposition.
22 But I don't think, no matter what she says, it's not going to
23 contradict her own experts' declarations and the materials that
24 they themselves refer to.

25 You follow what I'm saying? Okay.

1 MR. KELLY: Your Honor, I do have another example of
2 something we would want to explore and --

3 THE COURT: Okay. Give me one more.

4 MR. KELLY: So the Plaintiffs also include a
5 declaration from Clayton Cramer --

6 THE COURT: Okay.

7 MR. KELLY: -- presumably in response to Professor
8 Roth's position that mass murder was not a new phenomenon or --
9 excuse me -- mass murder, yes, correct, is a new phenomenon at
10 this point. And we would want -- to my knowledge, Mr. Cramer
11 was not disclosed as an expert, was not deposed in any prior
12 proceeding in Duncan.

13 And we would first want an opportunity for Professor
14 Roth to examine the new evidence that the Plaintiffs have
15 brought, as well as potentially depose Mr. Cramer on that
16 issue.

17 THE COURT: Well, before I get to that issue, let me
18 point out something, Mr. Kelly. I don't know how long you've
19 been in this case. But you said something about -- going back
20 to the reason why you needed three months; that you needed --
21 that this was a new area and so on and so forth.

22 Did I get you right?

23 MR. KELLY: That's correct, Your Honor.

24 THE COURT: Yeah. How long you have been in this
25 case, Mr. Kelly?

1 MR. KELLY: Several weeks, Your Honor.

2 THE COURT: It's not fair to dump you into a case like
3 this. Mr. -- Professor Cornell has gone on record and stated
4 -- in 2017, Professor Cornell stated that he had been
5 researching and writing on the history and tradition of Second
6 Amendment regulations for two decades. That's 20 years,
7 20 years before 2017. We're now in 2023. Add five years to
8 that; that's 25 years. That's a quarter of a century that
9 Professor Cornell has been writing, researching on the history
10 of and tradition of the Second Amendment.

11 And I've read an awful lot of that material.
12 Professor Cornell cites to Spitzer. Spitzer cites to
13 Vorenberg. Vorenberg cites to Bazilli. Bazilli, I think it
14 is, who cites to -- these folks have been working on this for a
15 really, really long time.

16 In 2000- -- well, as you probably know in the Rhode --
17 Rhode case, I issued an opinion where I said that the State's
18 regulation had no historical pedigree, and I was right. The
19 Ninth Circuit asked the State to file a supplemental brief on
20 the issue of the historical pedigree.

21 In response to that request from the Ninth Circuit,
22 the State at Footnote 3, page 11 of its response, cites to Saul
23 Cornell and Nathan DeNino, "A Well Regulated Right. The Early
24 American Origins of Gun Control," 2004, surveying firearms
25 regulations from Founding era through the nineteenth century.

1 Mr. Kelly, with all due respect, Mr. Cornell and all
2 these other folks have been researching and writing on this
3 issue for 25 years. We're not here, looking -- this is not a
4 question for the missing link. We're not looking for truffles.
5 If it's a history and tradition, 25 years of research and
6 writing should have disclosed it by now.

7 And as you know, probably in Bruen -- I think it was
8 in Bruen. It might have been in Heller, as well, where the
9 Court said, "Look, 'a lot of' doesn't show a history and
10 tradition." Right. So I don't think -- I mean, with all due
11 respect, I understand what you're doing, and I appreciate that.
12 And I'm sorry that you got dumped into this just a few -- just
13 a few weeks ago.

14 But, realistically, you don't need more time. I might
15 give you a little more time to depose the one expert, and that
16 might be it, but that's about it. Okay.

17 MR. KELLY: Thank you, Your Honor.

18 THE COURT: All right. Is there anything else you
19 wanted to add?

20 MR. KELLY: Actually, a point of clarification, Your
21 Honor.

22 THE COURT: Sure. Go ahead.

23 MR. KELLY: Would Your Honor like us to submit one set
24 of briefing for all four matters, or one for each matter?

25 THE COURT: I'm open to suggestions. I don't want to

1 have to be rereading the same stuff over and over and over
2 again. So what do you think?

3 MR. KELLY: Your Honor, I think they should be heard
4 separately. I think as Your Honor said, you know, there is
5 some overlap here in terms of the historical analysis,
6 et cetera. But there's also enough nuance among the cases
7 that, I think, both, as a matter of fairness, and to make your
8 burden easier, they should be heard separately.

9 For example, I think the textual analyses is different
10 in these case; the first prong under Bruen as to whether the
11 regulated items constitute arms under the Second Amendment.
12 And our position is a different analysis in each case.

13 THE COURT: Okay. Well, what you say makes sense.
14 All right. So how about if what we do is we have a joint
15 historical analysis? In other words, what I suggested at the
16 very beginning of this hearing? How about if we have that as
17 one?

18 And, yes, I can understand how you might want to
19 argue, for example, that in the Fouts case, looking at the
20 historical analysis, there's, you know, history and tradition.
21 And that you might want to brief that separately.

22 Yeah, I can understand what you're saying. I'll hear
23 from the Plaintiffs in just a second, see if they have a
24 different idea. But that makes sense. I can go along with it.

25 MR. KELLY: Thank you, Your Honor.

1 THE COURT: All right. Thank you.

2 Anyone else?

3 All right. Let's go back to the Plaintiffs. Anyone
4 have anything you want to comment in response?

5 MR. BRADY: Sure, Your Honor. Sean Brady on behalf of
6 the Plaintiffs.

7 I agree. I think that makes sense. But to address
8 the nuance, there are some things that are going to sort of be
9 boilerplate with respect to this compendium of Excel
10 spreadsheet of the laws. If the State prepares that, they're
11 going to have to prepare that for all the cases. Right. So it
12 wouldn't be an additional burden on them.

13 THE COURT: I want you to look at it, and see if you
14 agree or disagree because I want to know, you know, if there's
15 disagreement. Right.

16 MR. BRADY: If Your Honor would like us to meet and
17 confer, you know -- I guess our position is that it's the
18 State's burden to research and present these laws, and they've
19 had adequate time for that. We don't need to get into --

20 THE COURT: I think I agree. But I think it's always
21 really a good idea to meet and confer. So if you could do
22 that, that would be wonderful.

23 MR. BRADY: Absolutely. And if Your Honor wants us to
24 do that prior to -- instead of dressing it in our opposition
25 and meeting and conferring beforehand, we're more than happy to

1 do that.

2 THE COURT: Why don't you do that. And then if
3 there's any disagreement, if there's any disagreement, then we
4 can deal with that later. Right.

5 So here's something that I do with jury instructions.
6 I ask the parties to meet and confer and come up with an
7 agreed-upon body of jury instructions. Okay. And then if
8 there are any jury instructions that they disagree with, then
9 they can file a brief to tell me what instructions they
10 disagree with and what other instructions they want me to give.

11 Perhaps this is a good policy for us to apply here.
12 If you meet and confer and agree on the historical analysis,
13 then that's great. You can submit that. And if there are any
14 disagreements, then you can submit that separately.

15 How's that? That work?

16 MR. BRADY: I think that works, Your Honor.

17 THE COURT: Mr. Kelly?

18 MR. KELLY: Yeah, that works for us, Your Honor.

19 THE COURT: Great.

20 MR. BRADY: This meet-and-confer process, though, is
21 there going to be another status conference or -- that's my
22 only concern. Or are we just going to address it in our
23 briefing?

24 THE COURT: No. I don't think we need another
25 meet-and-confer conference after this. I think -- look, I

1 don't want to slow-walk these cases. These are important cases
2 both to the State and to the Plaintiffs and the people that
3 insist that they have these rights, and I think we need to move
4 these cases along.

5 So a meet-and-confer. Give me an agreed-upon
6 historical analysis, and then what I will do is I will give you
7 a time period for that to be filed. I'll give you a time
8 period for additional briefs to be filed, and then we're going
9 to have hearings, and we're going to put these cases to bed.

10 MR. MOROS: Your Honor, one question.

11 Is the State to be limited in the presentation of its
12 laws to laws before the year 1900? Because I know in their
13 supplemental briefing, they went into twentieth century laws,
14 and our position is those aren't relevant. But if you want a
15 comprehensive view, just to get everything.

16 THE COURT: You know, frankly, I don't see much point
17 in those because I think that there would be so many laws. I
18 mean, let's face it, after -- there came a point when -- when
19 they began to grow exponentially.

20 I think in the Bruen opinion it talks about -- the way
21 I see it, it places greater emphasis on those laws that were,
22 essentially, in effect at the time the Second Amendment was
23 adopted, and then with a secondary emphasis at the time that
24 the Fourteenth Amendment incorporated the Second Amendment by
25 reference. I think that's the time period.

1 In fact, I think the one -- if I'm not mistaken, the
2 one statute that regulates -- that was submitted in the Fouts
3 case, it talks about machine guns and automatic rifles, is a
4 1927 statute, if I'm not mistaken; which, frankly, I thought
5 was irrelevant, anyway.

6 So why don't we limit it to -- how about this? How
7 about, let's say, 20 years -- how about an arbitrary and
8 capricious number that I'm going to give you? Twenty years
9 after the Second Amendment was incorporated by the Fourteenth
10 Amendment -- or the Fourteenth Amendment was adopted. How's
11 that?

12 MR. MOROS: So, 1888. Okay.

13 THE COURT: All right. Twenty years after the
14 Fourteenth Amendment was adopted.

15 MR. KELLY: Your Honor, we would object to that.

16 THE COURT: Why?

17 MR. KELLY: In Bruen, it specifically says that
18 statutes after the Fourteenth Amendment's ratification can be
19 used as evidence so long as they do not conflict with the
20 restrictions that were in place prior to then around the
21 Founding and the Reconstruction period.

22 So we would want to reserve our right to introduce
23 those laws if -- if we do, in fact, do that.

24 THE COURT: Can you cite me to the page in Bruen?

25 MR. KELLY: Yes, Your Honor.

1 THE COURT: And if that were the case, why would --
2 why would the Supreme Court have overturned the New York
3 statute on concealed carry? Since there were -- I would
4 imagine there's probably 100, if not 200, statutes that have
5 prohibited the methodology for obtaining concealed carry
6 permits.

7 MR. KELLY: So, Your Honor, the page we're referring
8 to is at 142, Supreme Court page 2153, Note 28.

9 THE COURT: Can you read it for me? Because I -- I
10 don't have a photographic memory.

11 MR. KELLY: Sure, Your Honor. Just give us one
12 moment.

13 Your Honor, the footnote says: "We will not address
14 any of the twentieth century historical evidence brought to
15 bear by respondent or their amici. As with their
16 late-nineteenth-century evidence, the twentieth century
17 evidence presented by Respondent's in the amici --"

18 (Court reporter interruption.)

19 MR. KELLY: "-- the twentieth century evidence
20 presented by Respondents and their amici does not provide
21 insight into the meaning of the Second Amendment when it
22 contradicts earlier evidence."

23 And we would argue that that footnote would allow us
24 to introduce statutes and regulations post-Reconstruction so
25 long as they do not contradict earlier restrictions.

1 THE COURT: The problem with that, though, as I
2 said -- how many -- how many laws have been enacted? I mean,
3 just look at California. Let's just take, for example, the
4 Miller case, right, the AR-15-type regulations.

5 How many of those laws have been enacted since 1927?
6 Lots and lots and lots and lots. But how does that help me
7 decide the history and tradition of regulation of rifles --

8 MR. KELLY: I think, Your Honor --

9 THE COURT: -- at the time the Second Amendment was
10 adopted, or at the time the Fourteenth Amendment was adopted?
11 All that tells me is -- has happened after the Civil War when
12 states found out that, yes, they could restrict certain
13 firearms. Right. That all of a sudden there was an explosion
14 of restrictions because the states found out, "Hey, guess what?
15 We can do this." So then they did it.

16 But how does that help me determine the history and
17 tradition of these laws at the time the Second Amendment was
18 adopted or at the time that the Nineteenth -- I mean the
19 Fourteenth Amendment was adopted?

20 MR. KELLY: Your Honor, I'm only speculating that
21 these laws are out there. I personally do not know. I think
22 we would just want to reserve our right and not be barred from
23 doing so should it come to that.

24 THE COURT: I'll tell you what I'll do. I'll let you
25 file a separate one. You can file -- you can file a separate

1 survey, and we'll call it "Post 20 years after" -- "20 Years
2 After the Ratification of the Fourteenth Amendment."

3 How's that?

4 MR. KELLY: That sounds good, Your Honor.

5 THE COURT: And include as many as you want. In fact,
6 the more the merrier.

7 MR. DILLON: Your Honor, if I may?

8 THE COURT: Yes, go ahead.

9 MR. DILLON: I just wanted to clarify on the parameter
10 of exactly what you're requesting. As I heard you, you're
11 looking for a single spreadsheet-style chronological order of
12 all the statutes, ordinances, restrictions that the State can
13 come up with that identify what was restricted, what act was
14 restricted, whether it was a law that was repealed or not
15 repealed, and whether or not it was ever brought before a
16 court.

17 And then they'll present -- they'll draft that
18 document with no argument, no expert witness testimony.

19 THE COURT: Correct.

20 MR. DILLON: It will just be a straight list of the
21 laws. We will have a chance to review it as Plaintiffs. And
22 like a summary judgment, if we have a contested issue of the
23 summary of the law that they present, we can note that contest
24 in the -- you know, a joint document? Is that what you're --

25 THE COURT: Sounds reasonable. Sounds reasonable to

1 me.

2 MR. DILLON: No problem. Thank you, Your Honor.

3 MR. KELLY: Your Honor, I think we would object to
4 that as well. I think we would want, if we need to, to
5 introduce experts to interpret some of the laws and the
6 standards --

7 THE COURT: No.

8 MR. KELLY: -- in the language --

9 THE COURT: No.

10 MR. KELLY: -- and the statute --

11 THE COURT: No. Look -- no, no.

12 Mr. Kelly, with all due respect, I don't need -- every
13 one of these experts that you've put forth, I have read, just
14 like experts that they have put forth, like Mr. Copill, for
15 example. Your experts -- these are people that have, you know,
16 biased points of view. I mean, Mr. Bosey, for example -- I
17 hope I'm pronouncing his name. The fellow who worked for --

18 MR. MOROS: Kimber, Your Honor.

19 THE COURT: Kimber. Yeah. Who at some point in time
20 had an epiphany and realized that all the work that he'd been
21 doing for all these years, selling these weapons to the public
22 was not good. And now he works -- he's a consultant for
23 Everytown -- I'm trying to remember.

24 Anyway, look. These people's opinions of what these
25 statutes say, right, means nothing. It means nothing. It's

1 like, I remember -- I think it was Justice Brier in -- I think
2 it was Bruen, who talked about, "Well, we need to have this
3 factual record," and this and that, what have you.

4 No. 702 says that the admission of expert testimony
5 is help -- is possible if, because of the expert's knowledge,
6 skill, or experience, it will assist the trier of fact. Okay.

7 But there's nothing. I mean, I've read these
8 declarations. Every one of these folks come in here with a
9 biased -- it's not like they're really neutral experts, okay,
10 or they're not experts who've come up on these opinions as a
11 result of these cases, okay, doing research for these cases.

12 These are all people that already come with
13 preconceived ideas and opinions, but their opinion is not worth
14 any more than your opinion or her opinion. They're going to
15 tell me, "Well, in my opinion, if you look at this statute,
16 this statute means that -- you know, that the State of Wyoming
17 regulated concealed carry of brass knuckles," and so I can read
18 that. I can figure that out by myself.

19 MR. KELLY: Well, Your Honor, I think the issue that
20 we might have with simply creating a spreadsheet and submitting
21 it to the Court doesn't take into account that restrictions
22 were found in places other than statutes. In our supplemental
23 briefing, we -- Professor Vorenberg testified as to how, for
24 example, in the Reconstruction period, the U.S. Army acted to
25 restrict firearms with magazines or carrying more than ten

1 rounds.

2 THE COURT: When was the Reconstruction period? It
3 was after the Civil War.

4 MR. KELLY: Correct, Your Honor.

5 THE COURT: Yeah. It was after the Fourteenth
6 Amendment?

7 MR. KELLY: It was during the same period, Your Honor;
8 during the same time period.

9 THE COURT: And why would I want to give -- in fact, I
10 think there was some discussion about this. I thought maybe it
11 was in Bruen.

12 Why would I want to give any credit to -- to what the
13 U.S. Army was doing in their territories? In fact, I think,
14 wasn't it Bruen that somewhat criticizes applying laws that
15 were regulations that were used in territories that --

16 MR. KELLY: Your Honor, it goes to the history and
17 tradition of firearm regulations. That may not be a statute.

18 THE COURT: But, look. If it's the State's position
19 that there's a long history and tradition to regulating
20 firearms, if that's your position, you don't need to present
21 any evidence. I'll buy that. I understand that.

22 Any time the State can get their -- the ability to
23 regulate something, they'll do it, and they've been regulating
24 firearms for a long time. Right. But that doesn't mean that
25 it's an analog to the particular statute that's at issue in the

1 cases that I have before me.

2 So the fact that, for example, in the territories in
3 the Reconstruction period, the Army may not have wanted to have
4 people to have this, that or whatever, that doesn't help me.
5 It's not an analog.

6 Yes, we know. We know. We know. We don't have -- I
7 don't need to take testimony of the fact that there's a history
8 and tradition in the United States in regulating firearms.
9 Right. But if that were the test, if that were the test,
10 Heller would not have been decided the way it was, and neither
11 would McDonald, and neither would Bruen, and neither would
12 Caetano.

13 That's not the test. But the test is, is there a
14 reasonable analog? It doesn't have a twin. It doesn't have to
15 be a twin. But is there a reasonable analog in the history and
16 tradition of firearm regulation or arms regulation? Because in
17 the Fouts case, we're dealing with billy clubs.

18 Is there an analog in the history and tradition of
19 regulating this type of weapon, this type of conduct, this type
20 of behavior? That's what we're looking at.

21 So, anyway, all right. Anyone else?

22 Yes.

23 MR. O'BRIEN: Your Honor, just wanted to check.

24 With respect to Fouts and Rhode, what the Court's
25 requesting here, what effect does it have on kind of the

1 existing posture of those cases?

2 With respect to Fouts, the Plaintiffs have an
3 opposition brief due on the 22nd, currently. And Rhode, there
4 hasn't been any order with respect to briefing. So I'm just
5 trying to check and see what's the -- what is kind of the
6 process going forward.

7 THE COURT: Thank you. I appreciate your mentioning
8 that.

9 So here's what I'd like for you to do. As I said,
10 Professor Cornell, Spitzer, and some of these other folks, they
11 have been working on this for a really long time. So it really
12 shouldn't take them really long to be able to come up with
13 this -- with a survey that I've requested. So I'm going to ask
14 that that be done within 30 days. Okay.

15 I will then -- given that, I will then give each side
16 an opportunity to file a brief, and the reason why I use the
17 word "brief," it's because I want it to be brief. Okay. I'm
18 not going to -- I'm not going to require a 25-page maximum, but
19 I don't think it needs to be 25 pages for you to tell me what
20 the analogs are that I should apply in your case. And I'll
21 give you 30 days to do that. Then I'll give you 10 days to
22 each side to file a response.

23 Now, Mr. Kelly, you said you wanted to take somebody's
24 deposition, and I'm more than happy to give you a chance to
25 depose someone. See what happens.

1 So who did you want to depose?

2 MR. KELLY: Mr. Cramer, Your Honor.

3 THE COURT: Mr. Cramer. Whose witness is Mr. Cramer?

4 MS. BARVIR: Clayton Cramer is the Duncan Plaintiffs'
5 declarant. He was responding, I think, to Professor Roth.

6 I would think that if Your Honor is going to give the
7 State some time to depose our witness, we should also get the
8 chance to depose Mr. Roth. He was also not disclosed at any
9 point prior to filing that.

10 THE COURT: You each have 20 days to work out an
11 agreement to -- one, to depose Mr. Cramer, to depose Mr. Roth.
12 Okay.

13 MR. STAMBOULIEH: Yes, Your Honor. I'm with --
14 Stephen Stamboulieh for the Fouts Plaintiffs.

15 Plaintiff Cramer is also going to be our expert even
16 though we're outside the discovery deadline. He has,
17 obviously, not been disclosed to them as an expert, just like
18 their witnesses were not disclosed to us as an expert.

19 I'm not really sure that he needs to be deposed since
20 he's just going to be responding to Mr. Spitzer's declaration
21 of what the -- what he's found the historical analogs to be.
22 So I'm not really sure, other than wasting money and time, what
23 a deposition would bring to them.

24 I did have one question, and I -- the page length for
25 the supplemental briefs, my understanding of the local rules is

1 that we were limited to 25 pages. We have not filed motions to
2 strike. We have not tried to burden the docket with anything.
3 I figured I would just ask the Court.

4 Do we have the same page limit that the Defendants do,
5 which I believe was 36 pages? We're not going to burden --

6 THE COURT: I don't think we need 36 pages, especially
7 if we're breaking it up. Okay. So we've got -- so we have
8 the -- so we have the historical survey. Right. I don't know
9 why you would need 36 pages. So why would you need 36 pages to
10 tell me that the history and tradition of arm regulations --
11 I'm going to use the Fouts case -- for billys is consistent
12 with the history and tradition of that which has been provided
13 to me by way of that survey? You don't need 36 pages;
14 25 pages, max, for any opening brief, and 10 pages for any
15 reply.

16 MR. STAMBOULIEH: Let me go back one step, Your Honor.
17 They filed the supplemental brief that this Court
18 ordered. I'm not sure the actual date; October 17th, I
19 believe. And they took 36 pages. Ours is coming up. The
20 response is due on the 22nd.

21 So my question to the Court, and perhaps the Court
22 just answered me when you limited it to 25 pages. The reason
23 that we might need to go a little bit beyond that page limit,
24 Your Honor, is they've raised this issue and said that there's
25 really been no historical analysis of the "dangerous" -- and

1 they corrected it to be "or unusual" instead of "dangerous and
2 unusual" language.

3 THE COURT: Yeah. I noted that. I noted that. I
4 found that to be rather distressing, even though in the -- in
5 the past, they have referred to some instances as "dangerous or
6 unusual." But as Justice Alito pointed out in his concurring
7 opinion in *Caetano*, anyone with a ninth-grade education can
8 read the *Heller* opinion and determine that, in fact, it is
9 "dangerous and unusual," i.e., the conjunctive, not a
10 disjunctive.

11 So I don't know why that keeps popping up. I mean, I
12 heard some supposedly distinguished legal scholar make that
13 same error, and I don't know whether that's intentional or not.
14 I hope that's not intentional.

15 MR. STAMBOULIEH: Well, the Supreme Court said
16 "dangerous and unusual," Your Honor, so we're going to go with
17 what the Supreme Court --

18 THE COURT: That's a good thing to do.

19 MR. STAMBOULIEH: Right.

20 THE COURT: That's a really good thing to do.

21 MR. STAMBOULIEH: So my question, Your Honor -- and
22 I'm sorry for taking so long on this.

23 THE COURT: It's okay.

24 MR. STAMBOULIEH: We have briefed "dangerous and
25 unusual." It takes us beyond 35 pages. It's about 35 pages.

1 We've briefed it. So to the extent the Court wants to see
2 it -- if the Court limits us to 25, we'll cut the "dangerous
3 and unusual" and just cite back "see Supreme Court. See
4 Justice Alito" who references Caetano --

5 THE COURT: Are you saying -- are you talking about
6 whether or not the weapon is dangerous and unusual, or are you
7 talking about the fact that the test that some folks referred
8 to it as "dangerous or unusual"? You follow what I'm saying?
9 Are you talking about the weapon? Because, certainly, I can
10 understand, particularly in your case, talking about whether or
11 not the weapon is or is not dangerous and unusual.

12 But I don't want to talk about whether or not the test
13 is "dangerous and unusual" or "dangerous or unusual." That has
14 been decided by somebody who's way above my pay grade. Okay.

15 MR. BECK: Alan Beck for the Plaintiffs Fouts, Your
16 Honor.

17 Our briefing also indicates that the phrase "dangerous
18 and unusual" doesn't actually refer to any sort of intrinsic
19 property of an arm. Historically, in Heller, the Court
20 references the tradition of prohibiting carrying "dangerous and
21 unusual" weapons.

22 And after we took a look at what that actually was,
23 that -- that typically refers to prohibitions on carrying in
24 certain manners, that were actually what terrified people.

25 So our position is that the possession of any weapon

1 cannot be justified simply through this historical tradition of
2 carrying dangerous and unusual weapons, because it doesn't
3 refer to types of weapons; it refers to certain types of
4 conduct with weapons.

5 And in light of the fact that the State's brief was
6 36 pages, we're just hoping to have an equal-length brief as
7 the brief they filed so we can demonstrate that to the Court,
8 Your Honor.

9 THE COURT: And you've already prepared this, you're
10 telling me?

11 MR. BECK: Yes, Your Honor.

12 THE COURT: Okay. File it.

13 MR. BECK: Thank you.

14 THE COURT: File it. Thank you for making my life
15 that much more difficult, but whatever. Okay. File it. I'm
16 done.

17 Okay. So -- so --

18 MR. O'BRIEN: Your Honor --

19 THE COURT: You have 30 days to file the survey. You
20 have 30 days after that to file any brief that you wish to
21 file. And this goes for both sides. Having looked at the
22 survey, having made your decisions, et cetera, you've got
23 30 days after that to file your brief. You've got 10 days
24 after that to file any opposition that you want to in that
25 brief. You have 20 days to depose Mr. Cramer and Mr. Roth.

1 Anything else?

2 MR. O'BRIEN: Your Honor, if I may. With respect to
3 the survey due in 30 days --

4 THE COURT: Yes.

5 MR. O'BRIEN: -- we would request, if possible, to
6 extend that to 60 days.

7 THE COURT: I could probably do it -- if I had the
8 time and the resources, I think I could probably do that in
9 probably less than two weeks. The State has unlimited
10 resources. You can do this. Trust me, you can do it. I've
11 looked at it. And if I had the resources and the time to do
12 it, I could do it in probably -- I could probably do it in a
13 week.

14 MR. O'BRIEN: Well, you know, I understand where the
15 Court is coming from.

16 I think that there's a couple of issues. One, we do
17 have a holiday period, and I think that our resources will be
18 limited at least, you know --

19 THE COURT: Yeah. I hear you. I feel your pain.

20 MR. O'BRIEN: -- to the last week, so I think to
21 expand beyond that, that takes away one week.

22 Also, as we note, even in Fouts, even, you know, in a
23 case where, you know, we provided a lot of that historical, you
24 know, information, it's still, I think with respect to what the
25 Court's asking for, is going to, you know, require, you know,

1 some additional time, especially in researching each of those
2 laws and determining whether or not they were challenged, and
3 what the -- what the disposition was in those cases.

4 THE COURT: I would imagine, Mr. O'Brien, with all due
5 respect, that whoever came up with that -- I don't know,
6 whatever it is, 40 pages, 30 pages of statutes or whatever,
7 already has, pretty much, that information. And if they
8 submitted it to the Court for purposes of persuading the Court,
9 they should also have the information to determine, for
10 example, whether or not that statute has been previously held
11 unconstitutional or constitutional, and should be able to
12 provide me with a citation.

13 I don't think 30 days is unreasonable. I understand,
14 but my order remains. All right.

15 Is there anything else? I'm sorry. I don't --
16 Yeah, go ahead.

17 MR. O'BRIEN: One more, Your Honor.

18 You know, we would just also request with respect
19 to -- as you're allowing for -- I believe, in the Miller or the
20 Duncan cases, for deposing Professor Cramer. I don't know what
21 Professor Cramer or Mr. Cramer will testify to with respect to
22 Fouts. I would -- if we need to depose him, and I don't know
23 if they're -- you know, we want to have that opportunity to do
24 so if we need.

25 THE COURT: Well, if you don't know what you want from

1 them in Fouts, what's the point of deposing him?

2 MR. O'BRIEN: Well, we need to have an opportunity to
3 review his -- his declaration and --

4 THE COURT: Was the declaration already filed or not?

5 MR. STAMBOULIEH: The declaration is not filed yet,
6 Your Honor. The declaration, I would think, is probably
7 substantially complete. It's a rebuttal of Mr. Spitzer's
8 expert report.

9 THE COURT: Tell you what we'll do. Let's leave that
10 up in the air. You take a look at it. When you get the
11 opposition -- opposition, you get the declaration.

12 I've read Mr. Spitzer's declaration. I'd say it's
13 probably one of the better ones I think that I've read. If
14 after you read -- and, hopefully, you'll read it pretty
15 quickly. But it isn't Mr. Cramer -- or is it Professor or
16 Mr. Cramer? I hate to insult people. But whatever it is he
17 says, if you think you need to depose him, let me know and let
18 me know quickly.

19 And if I decide that, in fact, that deposition is
20 necessary, I'll probably order that deposition to be taken on
21 very short notice, in which case I will allow you to take the
22 deposition of Mr. Spitzer. And we'll take it from there.

23 We're going to get all this done, folks, in the time
24 period that I have set.

25 As I said, these are important cases to the State and

1 to the Plaintiffs and to the -- to the People of the State of
2 California. So I want to move it along. And that's that.
3 Okay. I really appreciate you all being here.

4 MR. BRADY: Regretfully, Your Honor, I have to raise
5 one issue --

6 THE COURT: What's that?

7 MR. BRADY: -- about the Rhode case that may,
8 unfortunately, complicate things.

9 And that is, the Rhode case, the analysis is a little
10 bit different than these other cases which have to do with
11 whether these specific items, right, are protected. Here we're
12 talking about -- I don't think that there's any dispute that
13 ammunition is protected, and sale of it. But what I suspect
14 the State, and what we've seen in the Ninth Circuit briefing,
15 their position is going to be that background checks on any
16 arm, regardless, are going to be covered historically, because
17 Bruen suggested that background checks on carry license are
18 going to be protected.

19 Our position is, obviously, going to be ammunition is
20 different, right, because the State admits that this is the
21 very first time that ammunition background check has ever been
22 put in place. So our position is going to be that's treated
23 differently.

24 But I think that we need, potentially, a backup
25 argument to make in case the State's argument carries the day

1 that background checks are generally okay or outside the scope
2 of the Second Amendment, and that is to point out that even if
3 background checks on ammunition are outside of the scope of the
4 Second Amendment, at some point the burden on them becomes so
5 great that --

6 THE COURT: Well, I already decided that. Didn't I
7 already decide in the ammunition case --

8 MR. BRADY: Yes.

9 THE COURT: -- that I thought that requiring people to
10 pay \$19 every time they buy ammunition is unreasonable?

11 MR. BRADY: Correct.

12 THE COURT: I thought I decided that.

13 MR. BRADY: You did, Your Honor.

14 THE COURT: So we don't need to rehash stuff that
15 we've already gone through.

16 I think the question -- I think the question is: Is
17 there any history or tradition that supports these background
18 checks?

19 Now, with that, Counsel, let me just say this. The
20 Bruen case did say that background checks were okay, right,
21 with regard to the concealed carry. Now, they also said,
22 however, that you can't impose unreasonable restrictions
23 because, you know, you can regulate the Second Amendment out of
24 existence by imposing regulations on something. Right.

25 MR. BRADY: Correct. And that's what I was getting

1 at, Your Honor. If you're saying that your previous findings
2 are the law of the case and the findings up to this point --

3 THE COURT: I'm not changing my mind.

4 MR. BRADY: Okay. Then I -- so no --

5 THE COURT: You know, but I do want to raise
6 something, by the way. You know, I'm glad you mentioned that.
7 I'm going to take a wild guess that your position is that any
8 background check for buying ammunition is not reasonable. I'm
9 putting words in your mouth. Okay.

10 Now, I said that this regulation -- which is not what
11 the legislature had originally enacted; right?

12 MR. BRADY: Correct.

13 THE COURT: This -- the way the bureaucracy has now
14 regulated purchases of ammunition is unreasonable. But I guess
15 what I'm offering to you folks to talk about is whether or
16 not -- and I don't expect that this will be fruitful, but I
17 have to offer it because I think it's possible that if there
18 was a consent decree that said that the regulation of
19 purchasing ammunition as set forth by the legislature in the
20 legislative enactment would be what would be required, my
21 analysis might be very different.

22 And so I'm thinking that that perhaps might be a way
23 to compromise a resolution of that case. I just offer that as
24 an idea, folks, but you can do with it whatever you wish.

25 I've spent about as much time on this case as I'm

1 going to. So I need to go, unless there's something really,
2 really, really important you need to address.

3 MR. BECKINGTON: Your Honor, I apologize for testing
4 your patience. I'll be very brief.

5 THE COURT: Okay.

6 MR. BECKINGTON: Just for the clarification of the
7 record, we did have a motion for reconsideration. We did have
8 requests, I think, both in the Miller and in Fouts and Rhode
9 for the additional time to do discovery, to submit evidence,
10 et cetera.

11 Is the Court making a formal rule on those matters --

12 THE COURT: Nothing -- nothing is -- the only thing
13 that has changed -- the only thing that has changed since I
14 issued my rulings on the cases that I've issued rulings is what
15 Bruen -- the Bruen opinion says, which is that we consider the
16 history and tradition of the firearm regulation or the arm
17 regulation. Okay. That's the only thing that has changed.

18 All right. Thank you. Thank you very much.

19 MR. O'BRIEN: Just one other thing, Your Honor.
20 Apologize. Is the Court going to be issuing a written order?
21 We did the best we can to kind of keep track of what you were
22 looking for with respect to the survey, but I just wanted to
23 clarify that as well.

24 THE COURT: Well, you couldn't write that fast?

25 MR. O'BRIEN: I tried, Your Honor.

1 MR. DILLON: We have to summarize, Your Honor.

2 MR. O'BRIEN: Yeah.

3 THE COURT: We'll do our best. I'll issue a written
4 order. Thank you very much. And I appreciate you all being
5 here.

6 (The proceedings were adjourned at 11:50 a.m.)

7 -oOo-

8 **C E R T I F I C A T E**

9 I, Abigail R. Torres, certify that I am a duly
10 qualified and acting Official Court Reporter for the United
11 States District Court; that the foregoing is a true and
12 accurate transcript of the proceedings as taken by me in the
above-entitled matter on December 12, 2022, and that the format
used complies with the rules and requirements of the United
States Judicial Conference.

13 DATED: December 20, 2022, San Diego.
14 S/ABIGAIL R. TORRES

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U.S. Official Court Reporter
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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

11 VIRGINIA DUNCAN, et al.,
12 Plaintiffs,

13 v.
14

15 XAVIER BECERRA, in his official
capacity as Attorney General of the
16 State of California,

17 Defendant.
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Case No: 17-cv-1017-BEN-JLB

**DECLARATION OF ASHLEY
HLEBINSKY IN SUPPORT OF
PLAINTIFFS' SUPPLEMENTAL
BRIEF; EXHIBIT 1**

1 I, Ashley Hlebinsky, declare as follows:

2 1. I am a firearms historian and public educator, specializing in material
3 culture studies, as well as a firearms and ammunition-related museum consultant,
4 expert witness, freelance writer, and guest lecturer. I conduct my business through a
5 single-member LLC, The Gun Code. I also am the Co-Founder and Senior Fellow
6 for the University of Wyoming College of Law's Firearms Research Center (2022).

7 2. I have been retained by the plaintiffs in this matter to provide historical
8 testimony on firearms technology, with an emphasis on the history of technology in
9 relation to repeaters and magazine-fed repeaters, some with capacities greater than
10 ten rounds. I will also provide a brief look into the laws that existed at the time of
11 the United States' Founding and Second Founding Eras to provide reference for any
12 possible analogous comparisons to modern magazine restrictions as defined in the
13 *New York State Rifle and Pistol Association, Inc. v Bruen* (henceforth to be referred
14 to as *Bruen*) ruling by the Supreme Court. This report has been prepared for the
15 supplemental briefing that was ordered following the 9th Circuit's remand in
16 *Virginia Duncan, et al. v. Rob Bonta*. I have been retained to write a declaration at
17 the rate of \$450/hour.

18 **Background and Qualifications**

19 3. I have spent the last fifteen years immersed in the study of firearms
20 history, technology, and culture. I earned both Bachelor's and Master's Degrees in
21 American History from the University of Delaware, during which I studied firearms
22 history and culture and instructed undergraduate students about military weaponry
23 throughout history. Much of my work since then focuses heavily on material culture
24 surrounding the macro-history of firearms and how their developments have affected
25 industry, culture, and society for centuries. I have been fortunate to work in some of
26 the largest collections in the United States, beginning my career as a researcher and
27 fellow in the Smithsonian Institution's National Firearms Collection housed in the
28 National Museum of American History.

1 4. Additionally, I spent a decade working with and running the only
2 accredited firearms museum in the United States, the Cody Firearms Museum
3 (henceforth to be referred to as the CFM). During my tenure, I also served as Project
4 Director of the museum's full-scale multimillion-dollar renovation. With the aid of
5 my team, I was responsible for all facets of the renovation including but not limited
6 to concept, content, fundraising, and collections management. The resulting
7 museum, which reopened July 2019, provides a more interpretive space to facilitate
8 productive dialogue on firearms and their roles in history. Throughout this museum,
9 terminology and definitions play a significant role in educating both visitors not
10 familiar with firearms and those who consider themselves aficionados. My team, a
11 panel of experts, and I were responsible for dedicating an entire gallery at the front
12 of the museum to understanding the basics of firearms past and present, their
13 features, ammunition, and safety.

14 5. During my time at the CFM and through my consulting business, I have
15 become nationally known and sought after to provide a material culture perspective
16 on firearms history that is often lacking in much of modern, academic, and
17 legislative discussions on firearms. I guide museums as well other non- and for-
18 profit organizations and government entities on the interpretation and understanding
19 of that history. In May 2021, I testified in front of the Senate Judiciary
20 Subcommittee on the Constitution's Hearing regarding "Ghost Guns," for which I
21 researched and discussed the long history of privately made firearms and evolution
22 of arms technology from the colonies through the 1960s. Because I have worked in
23 several national collections that have upwards of 10,000 firearms each – collections
24 that range from the earliest through most recent technology – I have developed a
25 broad understanding of how firearms have evolved. Additionally, I have had the
26 opportunity to work with, see, study and handle many of the firearms referenced in
27 this declaration.

1 6. In addition to my historical scholarship, I also have played a role in
2 public education around firearms. I have been responsible for the education of tens
3 of thousands of students from elementary through college levels, teaching not only
4 firearms safety and basics, but the historical and technical evolution of the firearm.
5 In 2017, I developed the first full-scale symposium in the United States dedicated to
6 the study of firearms as material culture, which reoccurs annually. These symposia
7 were organized to bring together firearms scholars from around the world to discuss
8 their collections but also to create metrics to analyze the quality of scholarship that
9 already has been done in the field. The study of firearms is a complicated one,
10 especially since much of the information about the objects themselves have
11 traditionally been conducted by well-known firearms researchers and collectors.
12 However, not all those people fall under traditional definitions of academic
13 scholarship. On the other side, because of limitations in the study of firearms,
14 academic research often has flaws in terms of a general understanding of the
15 firearms themselves. We have worked to lessen that gap to create more balanced
16 scholarship. To continue that mission, I sit on the Editorial Board for the recently
17 revived, peer-reviewed arms journal, *Armax*, and I co-founded the University of
18 Wyoming College of Law's Firearms Research Center in 2022. Despite its location
19 in the College of Law, this new center intends to encourage research of all types
20 related to arms and ammunition.

21 7. Currently as a museum consultant, I am in the process of building
22 several museums with heavy emphasis on firearms collections. I also conduct
23 workshops on firearms, survey collections, and curate exhibitions at institutions such
24 as the Houston Museum of Natural Science, CM Russell Museum & Complex, and
25 the Mob Museum. I have served as a scholar and a panelist for the National Park
26 Service and the Organization of American Historians on a forthcoming Coltsville
27 National Historic Site. I am also an expert witness, freelance writer, guest lecturer,
28 on-camera firearms historian, and television producer. A current copy of my

Curriculum Vitae summarizing my education and experience is attached at the end of this document as **Exhibit 1**.

8. **Prior Expert Witness Testimony**

Ocean State Tactical et al v Rhode Island, October 2022

Senate Judiciary Subcommittee on the Constitution, Stop Gun Violence: Ghost Guns, May 2021

Franklin Armory et al v Bonta, February 2021

FN Herstal v Sturm, Ruger & Co, January 2021

Sturm, Ruger & Co. v American Outdoor Brands Corp., October 2020

Guedes v BATFE, June 2019

Miller v Becerra (Bonta), November 2019

- Evidentiary Hearing Testimony October 2020

- Deposition January 2021

Regina (Nova Scotia) v Clayton, January 2019

Garrison v Sturm, Ruger & Company, Inc. 2018

- Deposition November 2018

9. **Scope of Work**

This report has been prepared for *Virginia Duncan, et al. v. Rob Bonta*.

Firstly, the report will provide a brief statement on the long history of the interconnectivity between military and civilian arms. It will address how the advancement of technology often was driven by the civilian market; the multi-purpose use of early arms for civilians and the military; the private acquisition of firearms to be used on the battlefield; and the postwar weapons surpluses that have flooded and continue to flood the civilian market. Secondly, it will provide a history of repeaters and/or magazine-fed repeaters, including firearms with capacities over ten rounds, as well as an overview of some relevant laws during the times in which they were invented and/or used. The second section will be loosely organized into two subsections: the Founding and the Second Founding Eras, with related

1 contextual histories, in chronological order, which also happens to be the order of
2 relevancy to constitutional law as defined in *Bruen*.

3 10. According to *Heller v District of Columbia* and reiterated in *Bruen* “not
4 all history is created equal...Constitutional rights are enshrined with the scope they
5 were understood to have *when the people adopted them*.”¹ Under *Bruen*, the most
6 relevant time frame in consideration regarding the constitutionality of modern
7 regulations is the Founding Era - when the Second Amendment was ratified. *Bruen*
8 does acknowledge that the period surrounding the creation of the Fourteenth
9 Amendment, known as the Second Founding Era, can be useful, although, as with
10 the *Bruen* case, it is not necessarily relevant when discussing the historical pedigree
11 of regulation.² Subsequent time frames can provide insight, albeit far less significant
12 if relevant at all, including the timeframe leading up to the ratification of the Second
13 Amendment, the time in between the Second and Fourteenth Amendments, and least
14 significant, the twentieth-century.³

15 11. Important though to consider is “[guarding] against giving post
16 enactment history more weight than it can rightly bear.”⁴ *Bruen* does provide further
17 guidelines for when each era in history can inform the understanding of the Second
18 Amendment. It also provides guidance for how to determine a historical *analogue*.

20 ¹ The following two paragraphs are summarized from an analysis of relevant
21 history and historical analogues found in Johnson, Nicholas, Kopel, David B.,
22 Mocsary, George A, Wallace, E Gregory, & Donald Kilmer. *Firearms Law and the*
23 *Second Amendment Regulation, Rights and Policy* (3rd ed. 2021) 2022 Supplement
(August 2022), pg. 86 – 88

² Ibid pg. 86

³ Ibid pg. 86 According to Johnson et al: some time periods can be used to
24 provide the context of what was available leading up to the formation of the Second
25 Amendment as well. For example, those periods can possibly provide context for the
26 mindset of the Founding Fathers when the Second Amendment was ratified.
27 Additionally, the period directly after can provide insight “to determine *the public*
28 *understanding* of a legal text in the period after its enactment or ratification.” The
late nineteenth century history is helpful in instances when it affirms what has been
established by earlier history. The same can be said about twentieth century history,
although significantly less relevant than the other periods. These times do not
necessarily provide insight if it contradicts earlier evidence

⁴ Ibid, pg. 86

1 While the law does not have to be a twin of a past law, there is some guidance to
2 consider as “courts should not ‘uphold every modern law that remotely resembles a
3 historical analogue.’”⁵

4 12. For this report, please note that I will make a distinction between
5 repeater and magazine-fed repeater. A magazine is a vital part of the firearm; it is a
6 container, detachable or fixed, that holds ammunition while it feeds into a repeating
7 firearm. In the periods being discussed, there are repeating firearms that do not use
8 magazines, such as revolvers, which use a rotating cylinder that is as important and
9 integral as a magazine is in order to fire a gun. When I am discussing a repeater that
10 has a magazine, I will qualify it as such. Additionally, I will use capacity to refer
11 specifically to the number of rounds of ammunition that can be held within a
12 firearm. When I am discussing magazine capacity, I will qualify it as such.

13 **General Statement of the Interconnectivity of Sport and War**

14 13. The expression *weapon of war* is used a lot in modern and historical
15 discussions surrounding firearms. Today, it is used as an umbrella term to describe a
16 range of different firearms that people perceive as being useful to warfare, regardless
17 of whether they were actually used on or designed for the battlefield. How the
18 expression is used today implies a distinct line between firearms made for the
19 military and firearms made for the civilian market. However, that line for seven
20 hundred years has always been blurred.

21 14. Once firearms were developed, technology often advanced too quickly
22 for common battlefield use, finding popularity in the civilian market. Military
23 firearms in a general sense were limited by tactics, government bureaucracy, and
24

25 ⁵ Johnson et al., pg. 88 According to the authors: “the analogue must be
26 “relevantly similar.” One measure of these laws to consider according to *Heller and*
27 *McDonald v. Chicago* (2012) is through “at least two metrics: how and why the
28 regulations burden a law-abiding citizen’s right to armed defense.” The how is
defined as “whether modern and historical regulations impose comparable burden on
the right of armed self-defense.” The why is defined as “whether that burden is
comparably justified.”

1 expense, while civilian arms until recently were predominantly limited by individual
2 budget. Additionally, civilian arms can be employed for far greater number of uses,
3 including hunting, self-defense, and target shooting. The earliest firearms technology
4 appeared on the battlefield by the thirteenth century. The hand cannon, or
5 handgonne, was little more than the name suggests, a cannon for your hands. The
6 user utilized a touchhole and external fire source to ignite powder and fire the gun.
7 This primitive technology may not have been designed for a sporting purpose, but
8 once it was designed, inventors pushed the boundaries, capabilities, and usages of
9 firearms into the future. And while the hand cannon specifically may not have been
10 used for sport, other military weapons of the time such as longbows and crossbows
11 were popularly used for target shooting competitions in fairs during the Middle
12 Ages.

13 15. The first true ignition system, the matchlock, was developed around
14 1400. This firearm, which utilized a burning match cord, was a popular military arm
15 used for centuries around the world. By the end of the 1400s, however, matchlocks
16 and subsequent ignition systems also began appearing in early target shooting
17 competitions.⁶ Another example of a firearm being adopted for civilian use dates a
18 century after the matchlock. In the first decade of the 1500s, a highly advanced
19 handgun was developed, the wheel-lock. This gun, developed for use on horseback,
20 was operated by the turning of a spring-loaded wheel. While it saw some battlefield
21 use, it was expensive and difficult to repair. As a result, it was used for specialized
22 purpose on the battlefield in Europe, but not as much in the colonies. However, the
23 technology was considered so advanced, some European countries made and used
24 wheel-locks for sport into the 1800s. Another example of superior technology being
25 used by civilians rather than military is rifling. Rifling, the boring out of the inside
26

27
28 ⁶ Matchlocks and wheel-locks can be seen depicted in period imagery and in
medals for shooting competitions

1 of a barrel with spiral lands and grooves to spin a projectile, thus making it more
 2 accurate, was developed at the turn of the sixteenth century and appeared
 3 predominantly in civilian arms, with a few military exceptions from the American
 4 Revolution, until just before the turn of the twentieth century when military tactics
 5 finally caught up to the technology.⁷

6 16. Before the ability to mass manufacture firearms, guns were privately
 7 made by gunsmiths. Although two armories did exist in the United States around the
 8 time of the Founding Era, many guns for the battlefield were made by individuals.⁸
 9 It is estimated that 2,500-3,000 gunsmiths worked in the colonies alone.⁹ They, as
 10 private citizens, were responsible for making guns for both the military and civilians.
 11 While the standard infantry arm during the American Revolution was a smoothbore
 12 (no rifling) musket, there were some regiments during the War that used a common
 13 civilian firearm at the time, the American longrifle. The longrifle was a modified
 14 design from the German Jaeger (Hunting) Rifle that tended to have a longer barrel
 15 and a smaller caliber than its German counterpart. The rifle was the superior firearm
 16 in terms of accuracy compared to the inaccurate smoothbore musket. However,
 17 because of the type of projectile employed at the time – a round musket ball – the
 18 process to load was slower for rifles because the ball had to fit snugly within the
 19 lands and grooves of the rifling. There was a trade off in terms of effectiveness for
 20
 21
 22

23 ⁷ Examples of rifled matchlocks do exist. Rifled wheel-locks are far more
 24 common as they were so often used for hunting. This timeline provides a decent
 25 overview of early technological developments: Gun Timeline. PBS History
 Detectives. <[https://www.pbs.org/opb/historydetectives/technique/gun-](https://www.pbs.org/opb/historydetectives/technique/gun-timeline/index.html)
 timeline/index.html> Accessed 10/22/2022

26 ⁸ Springfield Armory was the first armory that began production in 1794
 <<https://www.nps.gov/spar/learn/historyculture/index.htm>> Accessed 10/25/2022.
 27 The second armory was Harpers Ferry Armory and Arsenal, which began
 construction in 1799 <[https://www.nps.gov/hafe/learn/historyculture/harpers-ferry-](https://www.nps.gov/hafe/learn/historyculture/harpers-ferry-armory-and-arsenal.htm)
 armory-and-arsenal.htm> Accessed 10/25/2022

28 ⁹ Moller, George D. *American Military Shoulder Arms: Volume 1*. University of
 New Mexico Press, 2011. P.107

specific purposes.¹⁰ The longrifle in the colonies served as a multi-purpose tool. It was capable of being used for hunting, self-defense, and target shooting. Important to note though that unless being made for large-scale military adoption, such as the smoothbore musket, and/or produced with the use of parts kits ordered from overseas, many civilian arms were made at the behest of individuals or in small runs.

17. Target shooting was a part of American culture before the formation of the United States with colonists taking part in competitions known as “Rifle Frolics.”¹¹ This tradition has continued throughout American history, especially after the Civil War. For example, the National Rifle Association may have been founded by Union officers in 1871, but its core purpose was “to promote and encourage rifle shooting on a scientific basis.” What resulted was the proliferation of international shooting competitions.¹² Another example is the Olympic sport of Biathlon, a sport which involves both skiing and target shooting, dating to 1767 in Europe. It was initially created for government use in places like Norway. That purpose persisted for centuries, even after becoming an international sport. In the 1930s, Finnish troops still used skis and rifles for patrol. Until recently, the firearms used in Biathlon and other disciplines of the shooting sports, often used modified versions of

¹⁰ Until the development of a successful conically shaped bullet (rather than a round musket ball) by Claude Etienne Minie and modified by James Burton at Harpers Ferry, rifling was expensive and slow to load. For a round ball to effectively spin in rifling, it had to fit perfectly which slowed the loading process. However, it was perfect for target shooting as well as hunting and specialized military use. Since tactics by the military were still shoulder-to-shoulder fighting, accuracy was not of prime importance, so militaries used smoothbore (unrifled) barrels for their standard equipment.

¹¹ This is a tradition kept alive by several historic sites including, Fort Boonesborough Living History Museum and Bardstown, KY’s Colonial Days <<https://fortboonesboroughlivinghistory.org/html/rifle_frolic.html> Accessed 10/25/2022 <<https://www.prlog.org/11271548-rifle-frolics-18th-century-market-fair-military-drills-displays-and-daniel-boone.html>> Accessed 10/25/2022

¹² The National Rifle Association of America was founded after the National Rifle Association in the United Kingdom (1859). <<https://home.nra.org/about-the-nra/>> Accessed 10/25/2022

center-fire NATO cartridge firearms.¹³ By the nineteenth century, progress on manufacturing processes allowed more firearms of more varieties to be available to the US government as well as civilians. Many of the repeaters of all sorts produced during this century came in specific models indicating sporting vs military variants.¹⁴

18. The line between military and civilian arms was certainly blurred at the founding of the country and thereafter, as was the role of the civilian and the soldier. In the colonies and in early America, certain citizens were required to serve in their militias with firearm and ammunition requirements and some soldiers carried their personal firearms into battle. By the American Civil War, it was not unheard of for soldiers to privately purchase firearms that the US government had not adopted or did not issue to them for use in battle. After the war, even issued weapons that were used *in* war were often sold on the civilian market. After the Civil War, soldiers could buy their firearms and many dealers and distributors sold the surplus in mass in their catalogs or at stores for even lower prices. According to Springfield Armory National Historic Site, “many thousands [of] cheap surplus weapons were released into private hands through General Orders 101, providing rifles, pistols, carbines, and muskets that found their ways into the hands of Americans in the decades following the Civil War.”¹⁵ The tradition of selling military arms to civilians continues today with firearms such as the Springfield Model 1903 bolt action rifle

¹³ An example of a centerfire modified firearm can be found in the Cody Firearms Museum. Here is a succinct summary of the history of the biathlon <<https://minnesotabiathlon.com/about-biathlon/the-history-of-biathlon/>> 10/25/2022

¹⁴ Flayderman, Norm. *The Flayderman's Guide to Antique American Firearms...and their Values*. 9th Ed (2019). This book is considered the gold standard in the evaluation of antique American made firearms. It provides not only firearms organized by manufacturer but also by type, such as repeater, military etc. Here is just one example: pgs. 694-695

¹⁵ Springfield Armory details this information here <<https://www.nps.gov/spar/learn/historyculture/a-springfield-rifle-musket.htm>> Accessed 10/24/22

1 and even with semi-automatics such as the M1 Garand rifle and the Model 1911
2 pistol.¹⁶

3 19. There has always been an ebb and flow of civilian and military firearms
4 for centuries, some with clearer lines than others. However, the assertion that a gun,
5 especially during the Founding and Second Founding Eras, could be completely
6 understood as *only* for war in a time when there was such interchangeability, is
7 presentist at best.

8 **The Founding Era**

9 20. In today's understanding of historical relevance, *Bruen* affirms that the
10 most crucial time for consideration of the constitutionality of modern regulations
11 falls under the Founding Era defined as the time around the ratification of the
12 Second Amendment. By this era, repeating, including magazine-fed, firearms had
13 been around for a long time. Additionally, repeaters, including those with
14 magazines, could have capacities of over ten rounds at least a century before and
15 during the ratification of the Second Amendment. Despite the invention of these
16 technologies, firearms laws during this time were primarily focused on restricting
17 access to enslaved, Native, and free Black peoples as well as other people of color.

18 *Repeaters*

19 21. The concept of a repeating firearm dates to the earliest technology of
20 firearms. Hand cannons even came in repeating variations.¹⁷ While some repeaters
21 were employed or simply attempted on the battlefield, repeating technology would
22 not be widely popular for use in war until the late nineteenth century. That did not
23 mean however that innovation in repeating technology was stymied. In fact, it was
24 quite the opposite. Without the confines of wartime tactics and budget, many

25
26
27 ¹⁶ Today, postwar weapon surplus guns including several semi-automatic
28 firearms such as the M1 Garand are sold through the Civilian Marksmanship Unit
<<https://thecmp.org/sales-and-service/1911-information/>> <<https://thecmp.org/sales-and-service/services-for-the-m1-garand/>> Accessed 11/25/2022

¹⁷ An example can be found in the Cody Firearms Museum Collection

1 repeating firearms were commissioned by civilians who utilized them. The simplest
 2 method of producing arms capable of firing more than one round at a time initially
 3 was to fit a firearm with more than one barrel. However, due to weight limitations,
 4 gunmakers began experimenting with other means of producing repeating arms
 5 during the sixteenth century. One of the first methods attempted involved
 6 superimposed loads, which were successive charges of powder and ball on top of
 7 each other that were separated by wadding or the projectile itself in one barrel. They
 8 were fitted with locks that either had multiple cocks and pans or a single lock that
 9 could slide upon a rail. One such example was a sixteen-shot firearm made in
 10 1580.¹⁸

11 22. By the 1630s, a Dutch gun making family, Kalthoff, began
 12 experimenting with a design that allowed up to fifteen shots to be fired in rapid
 13 succession. It utilized a tubular magazine located in a pistol's butt or a fowling
 14 piece's stock to hold powder and balls.¹⁹ This system was so innovative it was
 15 reproduced and modified for over 150 years. Also, by the mid-seventeenth century
 16 in Italy, magazine-fed repeaters were being developed. According to the Royal
 17 Armouries (Leeds), the earliest example can be found at the Musée de
 18 l'Armée which was made by Giacomo Berselli of Bologna in the late 1660s.²⁰
 19 However, more well-known and relevant to the Founding Fathers, is Michele
 20 Lorenzoni of Florence. He developed a magazine-fed repeater, in pistol and rifle
 21 form, known as the Lorenzoni system. This design was copied and modified by
 22 numerous designers after its invention with various configurations and magazine
 23

24
 25 ¹⁸ This firearm was on display at the National Firearms Museum's location in
 26 Missouri. Winant, Lewis. "A 16-Shot Wheel Lock," *America's 1st Freedom* (2014).

27 ¹⁹ Some of this research was compiled by the late historian, Herbert G. Houze
 and was featured in the Houston Museum of Natural Science's *The Art of the Hunt: Decorated European Sporting Arms from 1500-1800* (2019).

28 ²⁰ For more information, visit: <https://royalarmouries.org/stories/our-collection/the-christmas-connection-to-captain-souths-lorenzoni-pistol-our-collection/> Accessed 10/24/2022

capacities. One such firearm was designed by British gunsmith, John Cookson in the late seventeenth century. A gunmaker in Boston, also named John Cookson – it is not clear if this person was the same Cookson from England, a relative, or a coincidence – published an ad in the *Boston Gazette*, in 1756, advertising a nine-shot repeating firearm. Around the same time a Cookson-type twelve-shot repeater was made by gunmaker John Shaw.²¹ Another example from the 1750s in America is the Belton repeating fusil. This gun was invented by Joseph Belton around 1758. Not a magazine repeater like the Lorenzoni, the Belton utilized superimposed loads. Notably, he petitioned the Continental Congress during the American Revolution to adopt his firearm. In 1776, he wrote Congress saying he designed a firearm that could fire eight shots in three seconds. Benjamin Franklin wrote to George Washington in support of the idea.²² Washington ordered one hundred Belton firearms for use in the Continental Army. However, this order was canceled because, as this report has previously stated, cost is often an impediment to battlefield adoption. It is alleged that Belton then sold his firearms to the public.²³ A few decades later around 1779, the Girardoni (also spelled Girandoni) air rifle was developed. It was a repeating arm that could fire twenty-two rounds from a tubular

²¹An example of this firearm can be found in the National Firearms Museum <<https://www.nramuseum.org/the-museum/the-galleries/the-road-to-american-liberty/case-22-the-paper-cartridge/cookson-volitional-repeating-flintlock.aspx>> It is also discussed here: <<http://firearmshistory.blogspot.com/2014/02/the-cookson-repeater.html>> Accessed 10/24/22

²² These letters can be found here: <<https://founders.archives.gov/documents/Washington/03-05-02-0311>> Accessed 10/22/22

²³ What is believed to be the patent prototype of the Belton fusil is in the Smithsonian Institution's National Firearms Collection: <https://americanhistory.si.edu/collections/search/object/nmah_440031> Accessed 10/22/2022. Additionally, Rock Island Auctions, who has sold recently several reproduction Beltons provides a great overview of this history <<https://www.rockislandauction.com/riac-blog/assault-weapons-before-the-second-amendment#:~:text=The%20Belton%20%22Roman%20candle%22%20fusil%20is%20the%20first,a%20chained%20charge%20much%20like%20a%20Roman%20candle>> Accessed 10/22/2022

1 magazine.²⁴ This design also was copied by gunmakers around the world.²⁵ The
 2 actual Girardoni was used by Meriweather Lewis on the Lewis and Clark Expedition
 3 (1804-1806). This air rifle had also been in service with the Austrian military, but
 4 light weight examples were produced in sporting variations.²⁶

5 23. The above text serves merely as an example of the numerous types of
 6 repeating firearms, utilizing a range of technologies including magazines, which
 7 existed leading up to and at the time of the ratification of the Second Amendment
 8 and in some cases had direct ties to Founding Fathers. While these repeaters can be
 9 criticized as “one-off examples” or in some cases unsuccessful by modern and/or
 10 historic standards, it is important to keep in mind that this was typical as they were
 11 often made by private gunsmiths and sometimes individually commissioned.
 12 Additionally, just because some firearms designs had flaws, imperfections, or issues,
 13 does not mean the technology ceases to exist or can be expunged from history. As
 14 manufacturing processes advanced, these concepts evolved into repeaters produced
 15 in greater and more standard quantities.

16 ///

17 ///

18
 19
 20 ²⁴ Kopel, David. “The History of Firearms Magazines and Magazine Prohibitions.” Albany Law Review, Vol. 88, 2015, pg. 853

21 ²⁵ An example of a Russian copy of a Girardoni Rifle can be found in the Cody Firearms Museum

22 ²⁶For more information on Lewis and Clark and the Girardoni, the most comprehensive research on the Girardoni air rifle was done by scholar Michael Carrick. His research is footnoted in this summary article of the Lewis and Clark firearms that can be found here:

23 <http://www.westernexplorers.us/Firearms_of_Lewis_and_Clark.pdf> Accessed 10/22/22
 24 Additionally, Ian McCollum, one of the foremost authorities on firearms technology in the United States, has done several videos and articles about the firearm. This is one article he did

25 <<https://www.forgottenweapons.com/rifles/girardoni-air-rifle/>> Accessed 10/22/2022. A surviving example of a Girardoni can be found:

26 <<https://www.nramuseum.org/guns/the-galleries/a-prospering-new-republic-1780-to-1860/case-8-romance-of-the-long-rifle/girardoni-air-rifle-as-used-by-lewis-and-clark.aspx>> Accessed 10/22/22
 27 Rock Island sold a sporting variation in 2018:

28 <<https://www.rockislandauction.com/detail/75/3293/girandoni-system-repeating-air-gun>> Accessed 10/22/22

1 ***Laws and Relevance***

2 24. In the colonial period, the bulk of firearms laws were centered on
3 restricting access to certain people rather than firearms themselves. Therefore, even
4 if a firearm or weapon was specifically mentioned in a law, the type of weapon is
5 not necessarily relevant, as other civilians were still permitted to own them even if
6 some people were restricted. Each colony developed their own policies. In 1640,
7 Virginia law stated, “that all such free Mulattoes, Negroes and Indians...shall appear
8 without arms.”²⁷ South Carolina also had similar bans in 1712.²⁸ It is generally
9 understood that early laws were largely motivated by race.²⁹

10 25. The British government also used regulation to control the colonists
11 through access to gunpowder by seizing public powder houses, also referred to as
12 “magazines.” Although it is not to be confused or conflated with the mechanical
13 devices discussed throughout this declaration. They achieved this because, due to
14 fire hazard, large stocks of black powder were kept in a communal powder house,
15 which was a repository for both individuals and merchants to store their powder. It
16 also provided powder for people who were unable to afford it.³⁰ In one instance of
17 disarmament, Royal Governor Thomas Gage, in 1774, seized remaining powder in
18 Charleston, causing a flurry of responses, known as the Powder Alarm, from the
19

20
21 ²⁷ One of the best resources to search all firearms laws is the Duke Center for
22 Firearms Law. <<https://firearmslaw.duke.edu/>> Accessed 10/25/2022. However, a
23 concise summary of these laws is also broken down by: Ekwall, Steve. *The Racist*
24 *Origins of US Gun Control*. <[https://www.sedgwickcounty.org/media/29093/the-](https://www.sedgwickcounty.org/media/29093/the-racist-origins-of-us-gun-control.pdf)
25 *racist-origins-of-us-gun-control.pdf*> Accessed 10/22/22 Here he references: 7 The
26 Statutes at Large; Being a Collection of all the Laws of Virginia, from the First
27 Session of the Legislature, in the Year 1619, p. 95 (W.W. Henning ed. 1823) (GMU
28 CR LJ, p. 67)

29 ²⁸Eckwall, 7 Statutes at Large of South Carolina, p. 353-54 (D.J. McCord ed.
1836-1873). (GMU CR LJ, p. 70)

30 ²⁹ The abstract of Cramer, Clayton E. “Colonia Firearms Regulation” (April 6,
2016) puts it fairly succinctly: “Firearms regulation in Colonial America was
27 primarily focused on encouraging gun ownership for defense against external threats
(Indians, pirates, non-British European powers) and internal threats (slave
28 rebellions)”

30 ³⁰ Johnson et al. Firearms Law and Second Amendment Regulation, Rights, and
Policy (3rd ed. 2021), pg. 271

colonists that was considered preparation for the Battles of Lexington and Concord.³¹ Shortly thereafter, King George III enacted a restriction to "prohibit the Exportation of Gunpowder."³² As a result, Revolutionary leaders, such as Paul Revere, required possession of arms and ammunition by militiamen and many required powder and projectiles in quantities greater than ten pounds and rounds respectively.³³

26. While the ownership of gunpowder was outright encouraged by the soon-to-be states of America, there were still very real concerns about the instability of gunpowder. It is important to note that modern gunpowder is far more stable than historic black powder. Even so, it is still recommended to be stored separately from firearms in the home even today.³⁴ As a result of instability, fire prevention laws were enacted, not to disarm individuals but to provide them a safe place to store their powder while also reducing the potential for fire within communities. Philadelphia in 1725 enacted a law "for the better securing of the city of Philadelphia from the Danger of Gunpowder." Under this Act, safety was also defined as the distance of beyond two miles outside of town limits.³⁵ Similarly, Boston in 1783 also made a storage law citing the instability of black powder. "In the houses of the town of Boston, [it] is dangerous to the lives of those who are disposed to exert themselves when a fire happens to break out in town."³⁶ The idea of a required distance in which

³¹ Johnson, et al., pg. 271

³² Ibid, pg. 272

³³ *Duncan v. Becerra*, 366 F. Supp. 3d 1131, 1150 (S.D. Cal. 2019)

³⁴ According to the Sporting Arms and Ammunition Manufacturer's Institute, "ammunition should be stored in a cool, dry location away from solvents and other chemical heat sources, or open flames...ammunition should be stored separately from firearms" <https://saami.org/wp-content/uploads/2018/01/SAAMI_AmmoStorage.pdf> Accessed 10/25/22

³⁵ 1725 Pa. Laws 31, An Act for the Better Securing of the City of Philadelphia from the Danger of Gunpowder <<https://firearmslaw.duke.edu/laws/1725-pa-laws-31-an-act-for-the-better-securing-of-the-city-of-philadelphia-from-the-danger-of-gunpowder-%c2%a7-2/>> Accessed 10/25/22

³⁶ Thomas Wetmore, Commissioner, The Charter and Ordinances of the City of Boston <<https://firearmslaw.duke.edu/laws/thomas-wetmore-commissioner-the-charter-and-ordinances-of-the-city-of-boston-together-with-the-acts-of-the->

1 it was safe to use black powder for firearms and also for fireworks, was echoed in
 2 these laws. While in the above example it considered distance within town limits,
 3 some places legislated a safe distance from the powder house itself. For example, in
 4 1762, Rhode Island enacted “that no person whatsoever shall fire a gun or other
 5 fireworks within one hundred yards of the said powder house.”³⁷ Additionally,
 6 Rhode Island in 1798, provided guidance on how to safely store powder in the home.
 7 They also provided a safe space to store anything over twenty-eight pounds³⁸ These
 8 laws strongly focused on safety from a perspective of fire prevention rather than a
 9 position of regulating the amount of powder one could have since powder houses
 10 were built for large quantities of chemically unstable and combustible material.

11 27. In summary, at the time of the Founding Era, laws about firearms
 12 restriction were regularly directed towards groups of people rather than the firearms
 13 themselves. Within these laws, repeating and firing capacity are not mentioned. In
 14 some cases, the militia required arms and ammunition to be in civilian possession
 15 partially due to British attacks on public powder houses. Additionally, laws
 16 concerning the private possession of gunpowder were centered around fire
 17 prevention within and near town’s limits or proximity to a powder house.

18 **The Second Founding Era**

19 28. According to *Bruen*, under certain circumstances the Second Founding
 20 Era, surrounding the Fourteenth Amendment, can be used to provide insight into
 21 historical analogues. As mentioned in the previous section, repeaters, including
 22 magazine-fed firearms, were known, and becoming increasingly popular at the time
 23 of the Fourteenth Amendment. Capacities over ten rounds existed before and during

24
 25 legislature-relating-to-the-city-page-142-143-image-142-1834-available-at-the-
 26 making-of/> Accessed 10/25/2022

27 ³⁷ 1762 R.I. Pub. Laws 132 <<https://firearmslaw.duke.edu/laws/1762-r-i-pub-laws-132/>> Accessed 10/25/22

28 ³⁸ 1798-1813 R.I. Pub Laws 85 <<https://firearmslaw.duke.edu/laws/1798-1813-r-i-pub-laws-85-an-act-relative-to-the-keeping-gun-powder-in-the-town-of-providence-%c2%a72/>> Accessed 10/25/22

1 this time. Laws yet again did not concern capacity. They continued to center around
2 restrictions against groups of people. They also centered around carry. Ironically,
3 though some firearms regulated in carry laws were still legal, despite having the
4 same or even greater capacity, as long as they were physically larger in size, or in
5 some cases more expensive.

6 ***Repeaters***

7 29. The period before and after ratification of the Fourteenth Amendment
8 saw changes in the landscape of design and technology outside of just firearms. The
9 transition of firearms being made by private gunmakers began shifting to factories
10 by the mid-nineteenth century. Inline manufacturing, interchangeable parts, and
11 mass production impacted not only the types of firearms that were available, but also
12 quantity and quality. Prior to the American Civil War, there were many makers and
13 manufacturers of repeating firearms, however, the tradition of individual gunmakers
14 was still prominent. While repeating firearms, magazine-fed or not, exceeded ten-
15 rounds centuries prior, the number of distinct types of repeaters by the middle of the
16 nineteenth century was staggering. It is important to note that while this report
17 references the ceiling of ten rounds, that number is historically arbitrary as it is
18 unfair to assume that a person during that time would make a distinction between
19 capacities under and over ten rounds, especially considering to my knowledge, the
20 federal government itself did not until the 1990s.³⁹

21 30. After the ratification of the Second Amendment, repeating technology
22 continued to evolve as it had for centuries. During this time frame, especially
23 leading up to the Industrial Revolutions and standardization of interchangeability
24 and in-line manufacturing processes, designs were very much a trial-and-error
25

26 ³⁹ This date is referencing the Public Safety and Recreational Firearms Use
27 Protection Act (1994). Additionally, there are many resources that can showcase the
28 number of repeaters available in this time frame in the United States, but the place
that aggregates them the best is Flayderman, Norm. *The Flayderman's Guide to
Antique American Firearms...and their Values*. 9th Ed.

1 process. One such repeater was designed in 1821 and was known as the Jennings
 2 repeating flintlock. It was capable of firing twelve rounds before having to reload.⁴⁰
 3 Pepperbox pistols, a revolving pistol with multiple barrels that were manually
 4 rotated on a central axis, were popular in the United States by the 1830s, some were
 5 even taken out west with California gold miners. One maker of pepperboxes alone,
 6 Ethan Allen, between the 1840s and 1850s made over forty variations of this style of
 7 firearm.⁴¹ While many pepperbox pistols typically fired four to six shots, some were
 8 capable of firing twelve, eighteen, or twenty-four rounds.⁴² It becomes difficult to
 9 quantify the number of repeaters on the market though because makers were so
 10 plentiful. In 1836, a year before Samuel Colt's first patent in England of his
 11 revolving mechanism, the patent process was standardized through the United States
 12 Patent Act. That year, Samuel Colt took out two patents for five or six-shot
 13 revolving rifles and pistols. As a result, he owned the legal right to produce,
 14 essentially the revolver, until it expired in the mid-1850s. This Act created a flurry
 15 of production, innovation, and design especially towards repeaters and magazines to
 16 varying degrees of success. The fact though that so many people were trying to
 17 design the next great repeater shows the desire to capitalize on this technology.⁴³

18 31. It has been cited and challenged that the Winchester Model 1866 was
 19 the first magazine-fed repeater that held more than ten rounds to achieve commercial
 20 success.⁴⁴ The Winchester Model 1866 lever action rifle was the first firearm sold
 21 using the Winchester name. Between 1866 and 1898, approximately 170,101 Model
 22 1866s, in .44 Rimfire, were produced. Of that model alone, around ten variations

24 ⁴⁰ Flayderman, Pg 683

25 ⁴¹ Ibid pg. 56-61

26 ⁴² Kopel, pg. 854. Additionally, pinfire pistols and long guns can be found in
 museum collections with capacities greater than ten rounds.

27 ⁴³ Examples of these patented repeaters include Volcanic lever actions, the Jarre
 Harmonica pistol and rifle, Porter and Genhart turret rifles, Josselyn Chain
 28 Revolvers etc. More successfully were revolvers and repeaters by Smith & Wesson,
 Remington, Merwin & Hulbert, Henry, Winchester etc.

⁴⁴ Kopel, pg. 869

1 existed. It was hoped that the Winchester Model 1866 would see successful adoption
 2 by the US military, however, it did not. Only a small percentage, roughly 1/3 of total
 3 production, were made ultimately for use by foreign militaries.⁴⁵ According to
 4 another statistic, between 1861 and 1877, a total of 164,466 Henry and all models of
 5 Winchester were made, with approximately 56,000 going to foreign governments.⁴⁶
 6 This number, even with the inclusion of other models, still is only 1/3 of all sales. In
 7 reference to his Model 1866, Oliver Winchester referred to it as “one of [the
 8 company’s] best sporting guns” in a letter, dating 1871, to prominent gunmaker R.S.
 9 Lawrence.⁴⁷ In a Winchester testimonial from 1865, W.C. Dodge, Late Examiner of
 10 the US Patent Office, boasted that Winchester’s “Magazine Rifle, with the recent
 11 improvement, is superior to any other arm ever presented to the public.”⁴⁸ In the
 12 beginning, Winchester did lean into its previous involvement with the Henry rifle as
 13 a marketing tool because it was a known commodity, however, within a decade after
 14 the company’s founding, Winchester catalogs detailing their sporting models and
 15 diverse product lines were interspersed with testimonies from hunters and civilians
 16 about their love of the technology.⁴⁹ The categories for their 1875 catalog reads:
 17 “Winchester’s Repeating Fire-Arms, Rifled Muskets, Carbines, Hunting and Target
 18

19
 20 ⁴⁵ Flayderman’s also provides the number of Mexican contract firearms there
 21 were. The records are not complete for the Model 1866. The Records can be found
 22 in the Cody Firearms Museum’s Records Office. Here is a breakdown of what has
 23 survived through the Winchester collector.
<https://winchestercollector.org/models/model-1866/> This article also provides a
 breakdown of other military contracts. <
<https://www.americanrifleman.org/content/winchester-lever-actions-go-to-war/>>
 Accessed 10/22/22

24 ⁴⁶ Michael Vorenberg Decl., pg. 28, note 32.

25 ⁴⁷ Oliver F. Winchester’s letter to R.S. Lawrence, dated 10 February 1871.
 McCracken Research Library, MS20, Box 51, Folder 6

26 ⁴⁸ Dodge is most likely referencing the 1865 King’s Patent Improvement which
 incorporated a side loading gate to improve the speed of loading the firearm.
 Winchester’s Repeating Fire-Arms Rifled Muskets, Carbines, Hunting, and Target
 27 Rifles, &c...Metallic Cartridges of all Kinds, manufactured by the Winchester
 Repeating Arms Company.” Catalogues Vol. 1 (1865-1881). McCracken Research
 28 Library TS 533.5.W5431991v1c2

⁴⁹ Ibid

Rifles, &c...”⁵⁰ One such testimonial was from famous performer, William F. Cody, who proclaimed, “I have tried and used nearly every kind of gun made in the United States, and for general hunting or Indian fighting, I pronounce your improved Winchester the *boss*.”⁵¹ Despite the ways that Winchester chose to frame and market their firearms though, it should be noted that while advertising can influence a consumer, a consumer also has agency to purchase and use the product they want for their own purposes.

32. While Winchester would provide the United States smaller runs of their firearms designs modified for military service around the turn of the twentieth century, Winchester would not truly be seen as a full-scale military manufacturer until their involvement in World War I when government owned armories could no longer meet the demand for military arms. Winchester and other manufacturers such as Remington stepped in initially producing firearms – not even associated with their brands - invented by other designers, companies, and/or armories, such as the British Pattern 1914 Enfield and the American version, the U.S. Model 1917. These military contracts however would ultimately be the financial demise of the company as it went into receivership in 1931.⁵²

33. Outside of those early small contracts, Winchester continued designing guns for the civilian market. The Winchester Model 1873 boasted a production of around 720,610 manufactured in at least twelve variations, including almost 20,000 in .22 caliber rimfire – a caliber used for target shooting and varmint hunting. Model 1873 rifles were chambered in .32-20, .38-40, .44-40, and .22 caliber. The Model 1876 had a manufacturing run of 63,871 firearms with around fifteen variations.

⁵⁰ McCracken Research Library TS 533.5.W5431991v1c

⁵¹ Ibid, pg. 28-29

⁵² This information can be found in pretty much any book about Winchester. The author also knows this information for the decade she spent running the Cody Firearms Museum, formerly known as the Winchester Museum, which is home to Winchester’s firearms collection as well as archives from the company

This Model was a larger version of the Model 1873 and chambered in heavier calibers (.40-60, .45-60, .45-75, .50-95), which made the firearm more desirable for hunters, including President Theodore Roosevelt.⁵³ At one point, they produced an exclusive line of high-level sporting arms of the Models 1873 and 1876 known as the “1 of 100” and “1 of 1,000” models. Between the start of the company until 1898, Winchester released fourteen repeating models – not all lever actions. Those models would eventually be produced in over one hundred variations, chambered for around thirty different cartridges.⁵⁴ Winchester continued mass producing repeating firearms throughout the rest of the nineteenth century and beyond. Considering the diversity within models, variations and especially calibers, these guns were developed for specific and sometimes divergent purposes and cannot not be reduced into one category of simply being a Winchester repeater. There is more nuance than that.

34. During this same time, other companies were producing competitive repeaters, such as the Evans Repeating Rifle, which was made between 1873 and 1879. Approximately, 12,200 were made and they came in three variations, Sporting (approximately 4,350 made), Military (approximately 3,200), and Carbine (not specified as either sporting or military, approximately 4,700 made). The Evans held magazine capacities at twenty-eight, thirty-four, and thirty-eight rounds.⁵⁵ The Evans as well as other companies such as the Spencer Repeating Rifle, Fogerty Repeating Rifle, Adirondack Firearms, Bullard Repeating Arms, Burgess Gun, and the Whitney Arms Companies were making repeaters. However, they are lesser known, partially because Winchester realized the value in their designs and the threat of

⁵³ Flayderman, pg 309

⁵⁴ Ibid pg 306-322.

⁵⁵ Ibid pg. 694-695

1 them as a competitor so they acquired the companies.⁵⁶ Other major manufacturers,
 2 such as Marlin, quickly popped up as well by the 1880s as a direct competitor to
 3 Winchester. In all, there were over one hundred manufacturers or makers in the
 4 United States alone producing some type of repeating firearm leading up to and
 5 decades after the Civil War.⁵⁷

6 35. As plentiful as variations in Winchester firearms are though, the above
 7 information does not take into account the gargantuan amount of ammunition
 8 Winchester manufactured. In general, not enough is said about Winchester's
 9 innovation in cartridge design and the fact that ammunition production was
 10 responsible for much of the financial success of the company. According to David
 11 Kowalski, author of the *Standard Catalog of Winchester: The Most Comprehensive*
 12 *Price Guide Ever Published*, "cartridges played a larger role in the business
 13 operations of the Winchester Repeating Arms Company (W.R.A. Co.) than most
 14 collectors realize. Because ammunition is a high-volume, high profit product, it
 15 literally carried the W.R.A. Co. for most of its existence."⁵⁸ Their cartridge designs
 16 were so popular that other companies, such as Colt, would offer variations of their
 17 iconic firearms, such as the Colt Single Action Army revolver, to accommodate
 18 Winchester developed cartridges, such as the .44-40. Ammunition production was so
 19 vital to Winchester that the company who bought them out of receivership, the Olin
 20 Corporation, was their ammunition competitor. Today, the only surviving thread of
 21 the company is Olin's Winchester Ammunition. The various firearms brands that
 22
 23

24
 25 ⁵⁶ An entire exhibit at the Cody Firearms Museum is dedicated to the many
 26 repeating arms companies that Winchester acquired. Examples are archived in the
 Winchester Arms Collection.

27 ⁵⁷ Flayderman, Chapters V: A-F pages 50-299; Chapter VII: A, B, C Pages 351-
 387; Chapter VIII: A Pg458-524; Chapter XIII pages 691-697; Chapter XV: pages
 709-733

28 ⁵⁸ Kowalski, David D. Ed. *Standard Catalog of Winchester: The Most*
Comprehensive Price Guide Ever Published. Krause Publications 2000, pg. 159.

1 bear the Winchester name, are produced by companies that license the name from
2 Olin.

3 *Magazines*

4 36. In addition to the developments in repeating innovation, magazines
5 began to be patented as well. Even though tubular magazines existed long before,
6 the tubular magazine was first patented in the US in the 1840s, notably with the
7 Hunt Volitional Rifle, the oldest direct ancestor to the Winchester rifle. Magazines
8 though came in many shapes and sizes and became prevalent around this time. For
9 example, the Spencer repeating rifle utilized a detachable tubular magazine from the
10 buttstock capable of holding seven rounds. A speed loader even existed for that
11 magazine. In the 1850s, the Genhart turret rifle had a detachable circular magazine
12 with an externally visible shot/round counter. Between 1859 and 1862, the Jarre
13 Harmonica Pistol and Rifle received several patents. This gun has a horizontally
14 seated magazine that slides after each round is fired like a typewriter. It is also
15 detachable.

16 37. In terms of box magazines specifically, early ones were patented by
17 designers including Rollin White in 1855.⁵⁹ A detachable version was patented in
18 1864 by Robert Wilson.⁶⁰ A vertically stacked box magazine was patented by James
19 Paris Lee in 1879 which was applied to several rifles including the Mannlicher
20 Model 1886 rifle.⁶¹ In terms of early semi-automatic pistols, the Mauser C-96 had a
21 fixed magazine and the Borchardt C-93 had a detachable one. Semi-automatic
22 models of Winchester utilized various types of magazines, including the Winchester
23 Model 1907, a centerfire rifle capable of firing up to twenty rounds from a box
24 magazine and the Winchester Model 1903 which was also fixed with a lesser-known
25 Sabo ninety-six round detachable magazine. By the end of the nineteenth century,
26

27 ⁵⁹ White, Rollin. US Patent No 12648 (1855)

28 ⁶⁰ Wilson, Robert. US Patent No 45105 (1864)

⁶¹ Lee, James Paris US Patent No 221328 (1879)

the earliest versions of semi-automatic pistols such as the Borchardt C-93 contained eight rounds from a detachable magazine (1893) and the Mauser C-96 had a ten round magazine (1895) but also came in configurations as high as twenty rounds.⁶² Even certain Luger semi-automatic pistols in the early 1900s had the option of thirty-two round snail drum magazines.⁶³

Laws and Relevance

38. Racial firearm bans continued into the nineteenth century. States including but not limited to Louisiana, South Carolina, Florida, Delaware, Maryland, North Carolina, and Mississippi enacted race bans between ratification and the American Civil War.⁶⁴ Some states, for a time, would permit African Americans to carry guns with court approval, but they were eventually repealed.⁶⁵ Several laws upheld their justification for race-based regulation on the fact that Black people were not considered citizens, which was upheld in the 1857 case of *Dred Scott v Sandford*.

39. During this period in between ratifications of the Second and the Fourteenth Amendments, some laws emerged restricting carry by any person. According to Professor of Sociology at Wake Forest University David Yamane, one of the earliest examples was in Kentucky in 1813. The General Assembly of the Commonwealth stated: “That any person in this commonwealth, who shall hereafter wear a pocket pistol, dirk, large knife, or a sword cane, concealed as a weapon...shall be fined in any sum, not less than one hundred dollars.” However, nine years later in 1822, the Kentucky Supreme Court ruled that ban violated their

⁶² Kopel, 857 referencing *Standard Catalog of Firearms*. (2014), Gun Digest Books, pg. 708-709

⁶³ A version of this section on magazines was initially completed by author for *Miller et al v Bonta*

⁶⁴ Ekwall

⁶⁵ Ibid, referring to Act of Nov. 17, 1828, Sec. 9, 1828 Fla. Laws 174, 177; Act of Jan. 12, 1828, Sec. 9, 1827 Fla. Laws 97, 100; Referring to Act of Jan. 1831, 1831, Fla. Laws 30

1 1792 Constitution.⁶⁶ Other states adopted similar carry regulations, some still only
2 for certain groups of people.

3 40. Despite the abolition of slavery, discriminatory laws that included
4 firearms regulation continued. One such way that could be legally achieved was
5 through the Black Codes. While there were many aspects of discrimination in the
6 various state “Codes,” many included challenges to Black Second Amendment
7 rights. For example, Alabama in 1866 not only banned Blacks from owning firearms
8 and other weapons, but also made it illegal to lend or sell to a black person.⁶⁷ The
9 Civil Rights Act of 1866, the Fourteenth Amendment and the Second Freedmen’s
10 Bureau Act in 1866 attempted to dispel a variety of these issues.⁶⁸ In February 1866,
11 the House of Representatives amended the Second Freedmen’s Bureau Act to
12 explicitly state that people had the “full and equal benefit of all laws and
13 proceedings for the security of person and estate *including the constitutional right to*
14 *bear arms.*”⁶⁹ Following the passage of these acts, however, southern states then
15 passed laws, known as Army/Navy Laws, in which certain firearms, such as Colt
16 Army and Navy model revolvers were permitted while cheaper versions were not
17 legal.⁷⁰ Prohibiting the proliferation of inexpensive handguns on the market, whether
18 intentionally or unintentionally imposed a classist restriction on those who could no
19 longer afford to arm themselves— a trend that has continued well into the modern
20 era.

21 41. The Enforcement Acts of 1870 and 1871 were meant to protect the
22 rights of free men under the Fourteenth and Fifteenth Amendments. Yet these
23

24 ⁶⁶ Yamane, David. *Concealed Carry Revolution: Expanding the Right to Bear*
25 *Arms in America*. A New Press (2021), pg. 17-18. David Yamane is a Sociology
26 Professor at Wake Forest. This book was just a small portion of his larger research
27 on gun culture that he calls, “Gun Culture 2.0.” More of his research can be found at
28 gunculture2point0.com

⁶⁷ Ekwall

⁶⁸ A detailed explanation of this can be found in: Johnson et. al pg. 465-471

⁶⁹ *Ibid*, pg. 466

⁷⁰ Eckwall

1 seemingly positive changes were short lived. During the 1872 election for Louisiana
 2 governor, President Ulysses S. Grant sent troops to support the Republican
 3 candidate. In response, a group of white supremacists began harassing Black and
 4 White Republicans. These tensions culminated in Black and White Republicans
 5 taking up defense in a local courthouse in Colfax, LA. In 1873, 150 white men
 6 surrounded the courthouse and at one point, would fire a cannon at the building.
 7 Note: White Republicans were given the opportunity to leave before the massacre
 8 ensued. Black Republicans were left to fight with inferior weaponry. In the end,
 9 Black Republicans would surrender to the mob, led by a man named William
 10 Cruikshank. After surrender, somewhere between sixty to one hundred and fifty
 11 African Americans were killed.⁷¹ Although Cruikshank and around ninety-six white
 12 vigilantes were charged for violating the Enforcements, only a few were convicted.⁷²
 13 Even then, the Supreme Court, in *United States v Cruikshank* (1875), overturned the
 14 conviction ruling that the federal government could not prevent private citizens, in
 15 this case KKK members, from disarming Blacks and that the matter must be
 16 relegated to the states.⁷³

17 42. Another example concerning disarmament of a group of people
 18 occurred leading up to the American Civil War. Violent confrontations broke out in
 19 Kansas, known as Bleeding Kansas, between 1854 and 1859. At one point an anti-
 20 slavery movement of “Free Soilers” decided to arm themselves with single-shot
 21 Sharps rifles by smuggling them into the territory. However, the pro-slavery
 22 segments, under the command of a deputy federal marshal, attempted to disarm
 23 these settlers, most notably during the Sacking of Lawrence.⁷⁴ In response to the
 24

25
 26 ⁷¹ Johnson et al, pg. 471

27 ⁷² Ibid, pg. 471 as well as summarized in
 <<https://www.smithsonianmag.com/smart-news/1873-colfax-massacre-crippled-reconstruction-180958746/>> Accessed 10/25/22

28 ⁷³ Ibid, pg. 471

⁷⁴ Ibid, pg. 456

1 situation in Kansas, abolitionist Charles Sumner gave his famous speech on the floor
 2 of the United States Senate on May 19, 1856, “The Crime Against Kansas.” During
 3 which, South Carolina Senator A.P. Butler, supposedly stated that the people of
 4 Kansas should no longer possess their arms. During Sumner’s speech, he attacked
 5 Butler and affirmed the right of individuals to bear arms:

6 “The rifle has ever been the companion of the pioneer and, under God, his
 7 tutelary protector...Never was this efficient weapon [referring to the single
 8 shot Sharps Rifle] more needed in self-defence, than now in Kansas, and at
 9 least one article in our National Constitution must be blotted out, before the
 complete right to it can in any way be impeached...”⁷⁵

10 This speech culminated in violence against Sumner, who was beaten with a cane on
 11 the Senate floor for advocating against disarmament. Yet, even after a Civil War and
 12 thirty-five years later government disarmament would lead to the largest mass
 13 murder in American history. On December 29, 1890, Colonel James Forsyth,
 14 commander of the 7th Cavalry, ordered the Lakota to surrender their firearms leading
 15 up to their removal from the land they inhabited. It is debated exactly what happened
 16 to pull the trigger on the slaughter, but in the end, hundreds of Lakota were killed.⁷⁶

17 43. After a long history of government related violence as well as private
 18 vigilantism, Black people, particularly in the South, called for their personal
 19 armament to protect themselves. Much research has been done focusing on violence
 20 against people of color as a justification for firearms restrictions, however, less
 21 explored is the fact that Black people used and relied on firearms for protection *from*
 22 violence. These two ideologies conflict with one another. On one side, it is argued
 23 that restrictive laws would reduce violence, specifically on marginalized
 24 communities. On the other, it is argued that gun ownership allows those
 25 communities the best ability to protect themselves. In this circumstance, a restriction
 26

27 ⁷⁵ Johnson et. al, pg. 456

28 ⁷⁶ Utley, Robert M. *The Last Days of the Sioux Nation*. 2nd Ed. Yale University Press, pg. 211

1 would take away rights of the latter, putting them again at risk of violence. This
 2 desire to protect oneself with the best technology available was echoed amongst the
 3 Black community in the late nineteenth century through prominent leaders. For
 4 example, John R. Mitchell, Jr., Vice President of the National Colored Press
 5 Association, encouraged Black people to buy Winchesters to protect their families
 6 from the ‘two-legged animals...growling around your home in the dead of the
 7 night.’⁷⁷ Ida B Wells, an activist and journalist in the South, wrote in 1892, “that a
 8 Winchester rifle should have a place of honor in every black home, and it should be
 9 used for the protection which the law refuses to give.”⁷⁸ These activists also
 10 encouraged Black Americans to move to Oklahoma where they formed self-defense
 11 organizations. One Black journalist reported that in Oklahoma he “found in every
 12 cabin [he] visited a modern Winchester oiled and ready for use.”⁷⁹

13 44. To summarize: in Kansas, pro-slavery government backed officials
 14 sought to disarm Free Soilers of their high-quality single-shot Sharps rifles. Sumner
 15 denounced this effort and started a fight with Senator Butler, who himself would
 16 backtrack and claim he never supported disarmament. In the Colfax massacre, Black
 17 Republicans were outgunned by a mob with superior weapons. The Wounded Knee
 18 Massacre started because of a government sanctioned disarmament of the Lakota,
 19 who had in some cases, superior weaponry. The firearms confiscated at Wounded
 20

21 ⁷⁷ Johnson et al., p 521 referencing Giddings, Paula J. *Ida: A Sword Among Lions*
 22 (2008), pg. 153-154

23 ⁷⁸ Johnson et al., pg. 521 referencing Wells, Ida B. *Southern Horrors*. N.Y. Age
 24 June 25, 1892. Reprinted in Wells, Ida B. *The Light of Truth: Writings of an Anti-*
 25 *Lynching Crusader*, pg. 84

26 ⁷⁹ While this reference is obviously anecdotal for the number of Winchesters in
 27 circulation in a given area, Vorenberg’s declaration claims as little as 8,000
 28 Winchesters were in circulation in the post-Civil War South. However, this number
 is based on an order of 6,000 from Governor Scott for the South Carolina Militia,
 1,000 for the Metropolitan Police Force in Louisiana, and 1,000 potentially stolen
 firearms. It has been stated though that the government was slow to adopt this
 technology, despite still being produced into the hundreds of thousands. Therefore, it
 is misleading to infer these orders would be the only way to measure the number of
 Winchesters in the South at that time. The footnoted quote is from: Johnson et al., p
 521 referencing Giddings, pg. 198

1 Knee included Winchester rifles, though it did not serve them any good considering
2 what transpired. And Black southerners particularly sought to have the best weapons
3 available for a government they believed was not there to protect them.

4 45. Some scholars argue that the passage, despite the repeal in many
5 instances, of state laws regulating the carry of specific types of weapons serve as
6 sufficient evidence to support a modern magazine ban. However, it is important to
7 reiterate that these regulations regarding specific types of weapons have occurred in
8 some cases to take away the rights of some but not others. For laws that did include
9 everyone, weapons typically on that list had some sort of larger counterpart, as in the
10 Army/Navy laws, which would have at least equal capacity or were still permitted
11 via licensure. Furthermore, these laws did not explicitly concern themselves with
12 capacity or magazines but more often the size and/or other criteria of concealment.
13 Other laws during this period, had more to do with whether or not the government
14 could protect you and your rights resulting in unfortunate outcomes. In the case of
15 disarmament and the need for defense, it seems that citizens often affected by these
16 tragedies were less concerned about a discourse on the morality of firearms
17 technology, but instead protecting themselves with the best technology available.

18 **Conclusion**

19 46. According to *Bruen*, time frames outside of the Founding and Second
20 Founding Eras can be considered informative, providing context for the mindset and
21 knowledge behind designs and legal decisions, although it does not hold the same
22 weight. This report has provided an outline of repeaters and magazine-fed repeaters
23 with a capacity of over ten rounds in the previous two sections establishing the
24 existence and use of these types of firearms. The proliferation of such technology in
25 the twentieth and twenty-first centuries is astounding. As such and coupled with the
26 tertiary importance according to *Bruen*, I will not dive into a comprehensive look at
27 all repeaters developed into the modern era.

28

1 47. This report has looked at two timeframes relevant to this case as it
2 pertains to *Bruen*. It has provided a snapshot account of several repeaters and
3 magazine-fed repeaters of capacities over ten rounds throughout history. It has also
4 examined corresponding laws from those time periods rebutting similarities to
5 twentieth and twenty-first century legislation on capacity. It has stated that
6 innumerable magazine-fed repeaters have been developed since the 1600s. At the
7 time of the Founding Era repeaters and magazine-fed firearms, with a capacity over
8 ten rounds had been in existence for over a century. To my knowledge, there are no
9 laws during this period that restrict access to firearms magazines or strict firing
10 capacity. By the time of the Second Founding Era, there were exponentially more
11 repeaters and magazine-fed firearms with capacities greater than ten. According to
12 scholarship outside of this declaration, the first laws referencing capacity, primarily
13 for machine guns, only date to the 1920s, and all except one implemented during this
14 period were repealed. Laws regulating detachable magazines date to the last decade
15 of the twentieth century, and the ten round magazine limit was imposed through
16 federal law for the first time in 1994, making the relevant conversation in this case
17 much more recent history rather than the historical precedent *Bruen* requires.

18 I declare under penalty of perjury that the foregoing is true and correct.

19 Executed within the United States on November 30, 2022.


20
21 
22 Ashley Hlebinsky
23 Declarant
24
25
26
27
28

EXHIBIT 1

EXHIBIT 1: HLEBINSKY CURRICULUM VITAE

Ashley Hlebinsky Curriculum Vitae

Ashley Hlebinsky, President, The Gun Code, LLC

2124 E Kerry Lane, Phoenix, AZ 85024

Email: theguncode@gmail.com

Phone: 412-491-2493

Education:

Master of Arts, American History, University of Delaware, 2013

Bachelor of Arts, American History, University of Delaware, 2011

Recent Honors/Awards:

Second Amendment Foundation's Defender of the Constitution, 2022

National Shooting Sports Foundation and Women's Outdoor Media Association's
Top Five Finalist, Top Woman of the Gun Industry, 2022

National Shooting Sports Foundation's SHOT Business's Top 40 under 40, 2020

Wyoming Business Report's Top 40 Under 40, 2017

National Shooting Sports Foundation & Professional Outdoor Media Association's
Shooting Sports Communicator of the Year Award, 2017

Wyoming's Non-Profit Woman of the Year Nominee, 2017

Selected Professional Experience:

Co-Founder and Senior Fellow, University of Wyoming College of Law's Firearms
Research Center, Laramie, WY, 2020 (Current)

Consulting Director, Craig Boddington Wildlife and Firearms Museum,
Independence, KS, 2022 (Current)

Consulting Curator, LA Police Museum, Pasadena, 2021 (Current)

1 Senior Consulting Specialist. Cowan's Auctions, Cincinnati, OH, 2021 (Current)
2 Consultant, National Museum of Law Enforcement and Organized Crime (Mob
3 Museum), Las Vegas, NV, 2016 (Current)
4 Guest Curator, C.M. Russell Museums and Complex, Great Falls, MT 2021
5 (Current)
6 Adjunct Scholar of Firearms History, Technology & Culture, Firearms Policy
7 Coalition, 2020-2021
8 Curator Emerita & Senior Firearms Scholar, Cody Firearms Museum, Buffalo Bill
9 Center of the West, 2020 – 2021.
10 Robert W. Woodruff Curator, Cody Firearms Museum, Buffalo Bill Center of the
11 West, Cody, WY, 2015-2020
12 Project Director, Cody Firearms Museum Renovation, Buffalo Bill Center of the
13 West, Cody, WY, 2015-2019
14 Consulting Curator, Houston Museum of Natural Sciences, 2018
15 Consultant. Adirondack Experience. November 2019
16 Consultant. Winchester Mystery House, August 2019.
17 Consulting Scholar. National Park Service & Organization of American Historians,
18 March 2019.
19 Consultant/Curator. Daniel Defense, Black Creek, Georgia. 2017
20 Associate & Acting Curator, Cody Firearms Museum, Buffalo Bill Center of the
21 West, Cody, WY, 2015
22 Guest Curator. C.M. Russell Museums and Complex, 2015-2016
23 Guest Curator. Cody Firearms Experience, 2015
24 Assistant Curator, Cody Firearms Museum, Buffalo Bill Center of the West, Cody,
25 WY, 2013-2014
26 Teaching Assistant, The Jewish Holocaust: 1933-1945, University of Delaware,
27 2013
28

EXHIBIT 1

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1 Teaching Assistant, Introduction to Military History, University of Delaware, 2012
2 Teaching Assistant, History Education, University of Delaware, 2011
3
4 Researcher/Fellow, National Museum of American History, Smithsonian Institution,
5 2010-2013
6 Archival Assistant, University of Delaware Special Collection, 2010-2011
7 Firearm Intern, Soldiers and Sailors National Memorial Hall, 2008
8

9 **Expert Witness Testimony:**

10 Senate Judiciary Subcommittee on the Constitution, Stop Gun Violence: Ghost
11 Guns, May 2021

12 Franklin Armory et al v Bonta, February 2021

13 FN Herstal v Sturm, Ruger & Co, January 2021

14 Sturm, Ruger & Co. v American Outdoor Brands Corp., October 2020

15 Guedes v BATFE, June 2019

16 Miller v Becerra (Bonta), November 2019

17
18 1. Evidentiary Hearing Testimony October 2020

19
20 2. Deposition January 2021

21 Regina (Nova Scotia) v Clayton, January 2019

22 Garrison v Sturm, Ruger & Company, Inc. 2018

23
24 1. Deposition November 2018

25
26 **Selected Media Work:**

27 Writer/Producer. Mountain Men: Ultimate Marksman. History Channel, May 2022
28 (Current)

1 Regular Contributor. *Our American Stories* Podcast, 2022 (Current)
 2 Co-Host. History Unloaded Podcast. Various platforms with Wyoming Public
 3 Media, 2018-2022, 6 seasons (Current)
 4 Producer & On Camera Expert. *Gun Stories with Joe Mantegna*, Outdoor Channel,
 5 2015-2022, 8 seasons (Current)
 6 Producer & On Camera Expert. *Man vs History*, History Channel & Matador
 7 Productions, 2020 (aired 2021)
 8 Co-Host. *Master of Arms*, Discovery Channel & Matador Productions, 2018. 1
 9 season
 10 Consulting Producer. *Brothers in Arms*. History Channel, 2018. 1 season.
 11 On Camera Expert. *Rob Riggle: Global Investigator*. Discovery Channel, 2020.
 12 Recurring Expert. *Mysteries at the Museum*. Travel Channel. 2017-2019
 13 Casting Consultant. *Gun Shop Project*, Vice Media & Cineflix Productions, 2020
 14 On Camera Expert. *American Genius Colt V. Wesson*. National Geographic. 2015
 15
 16 *Also appears on:* Public Broadcasting Service, National Public Radio, Travel
 17 Channel, National Geographic, Popculture.com, Media, Entertainment, Arts, World
 18 Wide (MEAWW), Women's Outdoor News, Outdoor Life, Shooting USA, Gun
 19 Talk Media, National Shooting Sports Foundation, various firearms related podcasts.
 20 *Has been profiled by:* *The Bourbon Review*, *Recoil Magazine*, *Outdoor Life*
 21 *Magazine*, *Guns.com*, *Blue Press Magazine*, and others

22 **Selected Lectures/Panels:**

23
 24 Guest Speaker. Gun Rights Policy Conference, October 2022
 25 Guest Speaker. Second Amendment Foundation Legal Scholars Forum, September
 26 2022
 27 Guest Lecturer and Panelist. AmmCon. Second Amendment Foundation, October
 28 2021

1 Guest Lecturer. Armed for Revolution. Royal Armouries, September 2021
2 Guest Speaker. Preserving Firearms Heritage. Gun Rights Policy Coalition, 2020
3
4 Guest Lecturer. Art of Collecting. Nevada Museum of Art. January 2020
5 Panelist. Firearms and Museums in the 21st Century. National Council for Public
6 History. March 2019.
7 Scholars Roundtable. Coltsville National Historic Site. Organization of American
8 Historians & National Park Service, March 2019.
9 Forum Speaker. The Art of the Hunt: Embellished Sporting Arms in America. New
10 Orleans Antique Forum, August 2018
11 Guest Lecturer. Unloading the Gun: Firearms, History, and Museums. Yakima
12 Valley Museum, June 2018
13 Guest Lecturer. Perpetrators and Protectors: The Mob, The Law and Firearms,
14 National Museum of Law Enforcement and Organized Crime (Mob Museum),
15 September 2017
16 Organizer. Arsenals of History: Firearms and Museums in the 21st Century, Buffalo
17 Bill Center of the West, July 2017
18 Lecturer. The Cody Firearms Museum, Arsenals of History Symposium, Buffalo
19 Bill Center of the West, July 2017
20 Moderator. Addressing the Press: Firearms and the Media, Arsenals of History
21 Symposium, Buffalo Bill Center of the West, July 2017
22 Moderator. Forming an Association: Legitimizing Firearms in Academic Study,
23 Arsenals of History Symposium, Buffalo Bill Center of the West, July 2017
24 Guest Lecturer. Displaying the “Politically Incorrect,” C.M. Russell Museums and
25 Complex, May 2017
26 Guest Lecturer. Displaying the “Politically Incorrect,” Blackhawk Museum, March
27 2017
28 Panelist. Curator Roundtable, Firearms and Common Law Symposium, Aspen
Institute, September 2016

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1 Guest Lecturer. Displaying the “Politically Incorrect,” Canadian Guild of Antique
2 Arms Historians, April 2016

3
4 Guest Lecturer. The Cody Firearms Museum Renovation, American Society of
5 Arms Collectors, September 2016

6 Guest Lecturer. From Protector to Perpetrator: Demystifying Firearms in History,
7 Art Institute of Chicago, November 2015

8 Guest Lecturer. Winchester ’73: The Illusion of Movie Making, Winchester Arms
9 Collectors Association, July 2014

10 Guest Lecturer. Unloading the Six Shooter: Disassembling the Glamorization and
11 Demonization of Firearms in the Arts, Buffalo Bill Center of the West, 2011

12 **Selected Firearms Exhibitions:**

13
14 Curator/Project Director. *Cody Firearms Museum Renovation*. Buffalo Bill Center
15 of the West. 2019

16 Co-Curator. *The Art of the Hunt: Embellished Sporting Arms from 1500-1800*.
17 Houston Museum of Natural Sciences. March 2019

18 Curator. *Glock Makes History: The Birth of the Polymer Handgun Market*. Buffalo
19 Bill Center of the West. June 2016

20 Guest Curator. *Designing the American West: The Artist and the Inventor*. C.M.
21 Russell Museum & Complex. February 2016

22 Curator. *The Greatest Gun Designer in History: John Moses Browning*. Buffalo Bill
23 Center of the West. December 2015

24 Curator. *Journeying West: Distinctive Firearms from the Smithsonian Institution*.
25 Buffalo Bill Center of the West. December 2015

26 Curator. *The Forgotten Winchester: Great Basin National Park*. Buffalo Bill Center
27 of the West. June 2015

28 Curator. Western Firearms Gallery, including *Shoot for the Stars: The Tradition of
Cowboy Action Shooting*. Buffalo Bill Center of the West. April 2015.

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1 Curator. *Steel Sculptures: Engraving Individuality from Mass Production*. Buffalo
2 Bill Center of the West. Winter 2014.

3
4 **Certifications:**

5 Certified Firearms Instructor, Basic Pistol, 2016

6 Certified Firearms Instructor, Personal Protection Inside the Home, 2016

7 Well Armed Woman Instructor Certification, 2016

8 Museum Studies Certification, University of Delaware, 2013

10
11 **Grants:**

12 National Endowment for the Humanities, 2017

13 Institute of Museum and Library Services, 2017

14 Gretchen Swanson Family Foundation, 2015, 2016, 2017, 2018, 2019, 2020

15 Kinnucan Arms Chair Grant, 2012

16
17
18 **Fellowships:**

19 Firearms Curatorial Resident, Buffalo Bill Center of the West, 2013

20 Edward Ezell Fellowship, University of Delaware, 2012

21 Buffalo Bill Resident Fellowship, Buffalo Bill Center of the West, 2011

22
23
24 **Committees and Memberships:**

25 Board Member – Walk the Talk America

26 Founding President – Association of Firearms History and Museums

- 27 • Academic association for the study of firearms history in
28 United States

1 Founder – Arsenals of History Symposia Series

- 2 • First international symposia series on the academic study of
3 firearms

4 Spokesperson – NSSF/AFSP Suicide Prevention and Project ChildSafe Programs
5 American Alliance of Museums – Member

6 American Society of Arms Collectors – Member

7 Winchester Arms Collectors Association – Honorary

8 Remington Society of Arms Collectors – Member

9 Weatherby Collector’s Association –Life Member
10

11
12 **Publication History**

13 Editorial Board – Armax Journal
14

15 **Selected Articles:**

16 Author. “Guns and Mental Health.” *Recoil Magazine*, Upcoming
17

18 Author. “Colt Single Actions and Safety.” *Armax Journal*, October 2021

19 Author. “Guns and Partisan Politics.” *Recoil Magazine*, January 2021

20 Author. “Feminism & Firearms.” *Recoil Magazine*, Summer 2020
21

22 Author. “Burton Light Machine Rifle.” *Recoil Magazine*. October, 2019

23 Founder/Editor/Author. Arsenals of History Journal, Annual Publication, 2018 -
24 Present

25 Author. “It’s Complicated: The Short Answer to Firearms, Museums and History.
26 *Journal of the Early Republic – The Panorama*, September 2018.

27 Contributor. “Firearms Curator Roundtable” *Technology & Culture Journal*, August
28 2018

- 1 Author. "Displaying the 'Politically Incorrect.'" *CLOG X Guns*: Chicago, IL,
2 September 2017
- 3 Author. "Does History Repeat Itself? The Smith & Wesson LadySmith." *CLOG X*
4 *Guns*: Chicago, IL, September 2017
- 5 Author. "Renovating the Cody Firearms Museum." *International Committee of*
6 *Museums and Collections of Arms and Military History Magazine*. Issue 17, May
7 2017. Pg. 38 - 41
- 8 Author. "Renovating the Cody Firearms Museum." *American Society of Arms*
9 *Collectors Journal*. Fall 2016.
- 10 Author. "Glock Exhibit Opening." *Glock Magazine*. Bang Media. Annual 2017
- 11 Author. "The 28 Most Notable Guns from Remington's 200-Year History." *Outdoor*
12 *Life Magazine*. Bonnier Corporation, 2016
- 13 Author. "Cassie Waters: Businesswoman of the Old West." *Guns of the Old West*.
14 Harris Publications, Spring 2016
- 15 Author. "Making History: GLOCK Pistols at the Cody Firearms Museum" *Glock*
16 *Magazine*. Harris Publications. Annual 2016
- 17 Author. "Pocket Pistols: 10 Seminal Guns from the Past 300 Years." *Pocket Pistols*.
18 Harris Publications. 2016
- 19 Author. "The Gun that Won the Western and the Unforeseen Stars of *Winchester*
20 *'73*" *Guns of the Old West*. Harris Publications.
- 21 Author. "Frontier Profile: Jedediah Strong Smith" *American Frontiersman*. Harris
22 Publications
- 23 Author. "Frontier Legend John Johnston." *American Frontiersman*. Harris
24 Publications
- 25 Author. "The Guns of John Johnston." *American Frontiersman*. Harris Publications
- 26 Author. "Annie Oakley VS Lillian Smith: A Female Sharpshooter Rivarly." *Guns of*
27 *the Old West*. Harris Publications, Spring 2015
- 28 Author. "Icons and Has-beens." *American Handgunner*. FMG Publications, 2014

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1 Author. "Triggering Memory: American Identity in *Cowboys and Aliens*." *Points*
2 *West*. Spring 2012

3 Author. "Unloading the Six-Shooter: Disassembling the Glamorization and
4 Demonization of Firearms in the Arts." *Points West*, Fall 2011.

5 **Columns:**

6 Author. Old School Series. *Recoil Magazine*

7 Author. Flashback. *Concealment Magazine*

8 Author/Brand Ambassador. *The Bourbon Review*.

9 Author. *American Association for State and Local History*. Summer 2019

10 Author. "Weird West: Fact or Fiction" *Guns of the Old West*. Athlon Outdoors
11 (formerly Harris Publications)

12 1st Assault Rifle

13 Colt VS Winchester Revolver

14 Did Winchester Really Win the West?

15 Oliver Winchester's Lever Action Shotgun

16 Remington Cane Gun

17 Author. "Cowboy Action Round Up." SHOT Show New Products. *Guns of the Old*
18 *West*. Athlon Outdoors (formerly Harris Publications). 2015, 2016, 2017

19 **Reviews:**

20 Reviewer: Edited by Jonathan Obert, Andrew Poe, and Austin Sarat. Oxford: Oxford
21 University Press, 2018. *Journal of Technology & Culture*, Fall 2019

22 Author. "Everybody Loves an Outlaw: Taylor's Outlaw Legacy Revolver Series."
23 *Guns of the Old West*. Harris Publications

Reviewer: Richard Rattenbury. *A Legacy in Arms: American Firearms Manufacture, Design and Artistry, 1800-1900. Chronicle of Oklahoma*, Spring 2016

Selected Blogs & Vlogs:

Recoil Magazine

Weekly video series beginning October 2017 to Present

Dillon Precision

Historical Videos on Ammunition (Upcoming)

Outdoor Life

Top 10 Guns in American History

Guns of the Old West: 10 Iconic Firearms and the Legendary Men (and Women) Who Shot Them

13 of the Biggest Gun Fails in Recent Firearms History

Gun of the Week:

John Martz Luger

Apache Revolver

German Frei Pistol

King Louis XV Embellished Blunderbuss

Armalite AR-17 Shotgun

Getting the Christmas Goose with a Goose Rifle & Cutaway Suppressor

Mossberg Brownie

Wesson & Leavitt Belt Revolver

William Harnett and the Faithful Colt 1890

Winchester Model 1894 Lever Action Rifle

Ruger Semi-Automatic Pistol, 1 of 5,000

Herb Parson's Winchester Model 71 Lever Action Rifle

Lincoln Head Hammer Gun

American Trap Gun

Browning Brother's Single Shot Rifle Patent

Feltman Pneumatic Machine Gun

U.S. Springfield-Allin Conversion Model 1866 Trapdoor Rifle

Winchester Wetmore-Wood Revolver

Webley-Fosbery Automatic Revolver

Hopkins & Allen XL3 Double Action Revolver

DuBiel Modern Classic Rifle

Colt Model 1877 "Thunderer" Double Action Revolver

Tom Tobin's Colt Model 1878 Frontier Revolver

EXHIBIT 1

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1 Walch 10-Shot Double Hammers Pocket Revolver
2 Winchester Model 1887, Serial No. 1
3 Deringer vs Derringer
4 The Forgotten Winchester 1873 of Great Basin National Park
5 Range 365
6 To the One Who Got Away
7 Gun Review: New Glock 19 Gen 5
8 Ain't She a Pistol? 10 Historic Gun Ads Featuring Women
9 National Shooting Sports Foundation
10 The Gun Vault:
11 Winchester 1873 Found in Great Basin National Park
12 Col. Jeff Cooper's Colt MK IV Series 80
13 500+ Year Old Firearms, Matchlocks, Flintlocks
14 U.S. Presidents Guns
15 Cross Dominance Shotgun
16 Herb Parson's Winchester Model 71 Rifle
17 Audie Murphy's Colt Bisley Revolver
18 4 Gauge Winchester Wildfowler
19 Pocket Pistols
20 Henry Ford's Winchester Model 1887 Lever Action Shotgun
21 Tom Knapp's First Gun
22 Buffalo Bill Cody's Winchester 1873
23 Colt Model 1861 Navy Serial No. 1
24 Cassie Waters' Hopkins & Allen XL3 Revolver
25 Glock 17
26
27 The Truth About Guns
28 Presidential Presentation Rifles
Factory Cut-Away M16A1
1854 Smith & Wesson Repeating Rifle (Serial Number 8)
Winchester World's Fair Model 1866 Deluxe Sporting Rifle
Raymond Wielgus Collection
Gastinne-Renette Muzzleloading Percussion Target Pistols
Oliver Winchester's Jennings Repeater
Henry Ford's Winchester Model 1887
Winchester Model 1866 Musket in .44 Rimfire
English Wheellock
Southern Belle American Longrifle
Annie Oakley's Model 1892 Smoothbore Rifle
Catherine the Great of Russia's Blunderbuss Gift to King Louis XV of France
Color Case-Hardened GLOCK 43: Merging the Old West with the New
Buffalo Bill Center of the West – Unloading the Myth

EXHIBIT 1

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1 The Cody Firearms Museum – Yesterday, Today, and Tomorrow
2 Guns of the Week – Christmas List
3 Guns of the Week: December 15-19
4 Guns of the Week – The Cody Firearms Museum
5 Guns of the Week – German Firearms
6 Guns of the Week – Scheutzenfest
7 Guns of the Week – Air Guns
8 Guns of the Week – Early Firearms Law
9 Guns of the Week – October 13-17
10 Guns of the Week – Ingenious Engineering
11 Guns of the Week – Remington – Smoot
12 Guns of the Week – September 22-26; 15-19; 8-12
13 CSI: Firearms Museum Edition
14 Confessions of a Gun Historian
15 Art Guns: Aesthetics Over Function?
16 What Good’s a Gun Without a Firing Pin?
17 Gun Installations, Trials & Tribulations
18 A True Test of Marital Trust and Love
19 Remembering Tom Knapp
20 Cody Firearms Museum Goes Hollywood
21 When Will My Firearms Go On Display
22 What’s Your Cody Firearms Museum
23 To Vlog or Not to Vlog
24 We Don’t Just Have Old Guns in Our Museum: SHOT Show 2014
25 Taking a Staba at Displaying More Guns
26 “Hi Yo Silver” Cook Away! Lone Ranger Display
27 The Shooting Wire
28 Winchester’s 150th Anniversary Website
Remington’s 200th Anniversary Website

CERTIFICATE OF SERVICE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Case Name: *Duncan, et al. v. Becerra*
Case No.: 17-cv-1017-BEN-JLB

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, declare under penalty of perjury that I am a citizen of the United States over 18 years of age. My business address is 180 East Ocean Boulevard, Suite 200 Long Beach, CA 90802. I am not a party to the above-entitled action.

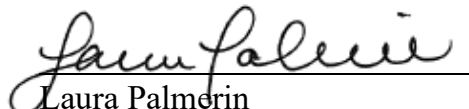
I have caused service of the following documents, described as:

**DECLARATION OF ASHLEY HLEBINSKY IN SUPPORT OF PLAINTIFFS'
SUPPLEMENTAL BRIEF; EXHIBIT 1**

on the following parties by electronically filing the foregoing on December 1, 2022, with the Clerk of the District Court using its ECF System, which electronically notifies them.

Rob Bonta
Attorney General of California
Mark R. Beckington
Supervising Deputy Attorney General
Kevin J. Kelly
Deputy Attorney General
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
kevin.kelly@doj.ca.gov

I declare under penalty of perjury that the foregoing is true and correct.
Executed on December 1, 2022, at Long Beach, CA.


Laura Palmerin

CERTIFICATE OF SERVICE

17cv1017